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# THE ANCIENT PARISH CHURCH

OF

## MANCHESTER,

AND

## WHY IT WAS COLLEGIATED.

BY

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SOCIETY OF NORTHERN ANTIQUARIES OF COPENHAGEN, OF THE LITERARY SOCIETY OF  
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ETC. ETC.

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TO THE REV. CECIL DANIEL WRAY M.A.  
VICE DEAN  
AND  
SENIOR CANON  
OF THE CATHEDRAL CHURCH OF MANCHESTER  
THIS HISTORY  
OF ITS ANCIENT PARISH  
IS DEDICATED  
IN GRATITUDE FOR THE IMPORTANT AID  
RENDERED TO THE AUTHOR  
IN THE COURSE OF THESE RESEARCHES  
AND  
AS A TRIBUTE  
TO THE LABOURS OF A PIOUS CHURCHMAN  
WHOSE NAME IS ASSOCIATED  
WITH  
THE LEADING INSTITUTIONS OF THIS CITY  
DIRECTED TO THE CAUSE  
OF  
RELIGIOUS INSTRUCTION AND BENEVOLENCE.

S. HIBBERT-WARE M.D.



## ADVERTISEMENT.

---

As this work makes its appearance at a time when a misunderstanding prevails between the Collegiate Chapter and a party in Manchester, the Author judges it necessary to state,—

First, That the documents in the possession of the Chapter House,—now edited, translated, and commented upon,—were intrusted to the Author's inspection long before these unhappy disputes had commenced;—at a time when the publication of them could not be supposed to bear upon any ecclesiastical question whatever since agitated;—

Secondly, That if the Author placed any doubt whatever,—at the utmost a very faint one [see page 195],—whether the documents might be regarded as still open for his consultation, he has satisfied himself that it was never understood they were withheld during a single moment from his examination;—

Thirdly, That in any comments passed upon these documents, the Author does not identify himself with any party whatsoever;—

Fourthly, That if the Collegiate Chapter of Manchester intrusted to the Author the examination of their charters, &c., it would be most unreasonable to suppose, that the members of this capitular body should be held responsible in the slightest degree whatever for any views which might be entertained in the memoir now published;—and

Fifthly, That it would be no less inconsistent, if the Author, while unavoidably touching upon debateable matter, should arrogate to himself the infallibility of any conclusions to which he might arrive,—especially if such conclusions should be opposed to the views of the Collegiate Chapter of Manchester, in whose erudition, as well as good intentions, he places the deepest confidence.

S. H.-W.

## P R E F A C E .

---

IN this Preface I shall advert, in a very general manner, first, to the circumstances which gave rise to the publication, in 1830, of the three former volumes,—and

In the second place, to the reasons which subsist for publishing a fourth or supplementary volume.

And, first, of the three former volumes, towards which the earliest materials had been collected by a very worthy man and good scholar, who died soon after the commencement of his labours.

If the design of this work originated with the late Mr. Greswell, Master of the School of Chetham's Hospital, the execution is due to the spirited publisher Mr. Agnew, who is assuredly entitled to no ordinary meed of gratitude from the inhabitants of Manchester, in his zeal to illustrate the interesting topography of the second city in Great Britain.

Among the distinguished institutions of Manchester, the Collegiate Church, the Free Grammar School, and Chetham's Hospital, have ever stood in the foremost rank. In a history of these foundations, under the proposed editorship of the possessor of Mr. Greswell's collections, the late Mr. William Ford, it had been intended to preserve the memories of founders and benefactors, to enumerate their useful labours, and to specify their munificent grants.

But Mr. Agnew was deceived in the editorial assistance promised him, notwithstanding the extraordinary outlay which he had incurred to render the volumes worthy the patronage of Manchester. Numerous were the graphical embellishments which had been executed in the first style of the arts, from original paintings and drawings, expressly made for the work. These, as I have remarked on a former occasion, were accomplished at an expense so enormous, as to preclude every reasonable hope of pecuniary remuneration.

In feeling for the disappointment and for the ruinous outlay of the publisher, and in my anxious wish to promote a work of this public interest, I undertook myself to supply the place of the individual whose services had been withdrawn from the editorship. In accepting this office, however, I was led to suppose that the materials of the proposed history were so complete that little more labour would devolve upon me than the arrangement of them in a due methodical form. But in the course of the task I was doomed to great annoyance. It was evident that a most wide field of information subsisted, perfectly unknown to Mr. Greswell, the original suggestor of the history, who had been employed in merely collecting materials, but had not himself, as I began to discover, composed a single line of the history. The pages of manuscript which I had at first conceived to have been actually written for

Mr. Agnew's splendid publication, proved to be little more than extracts from previous histories or records of Lancashire, too many of which, under a popular form, had long been in circulation.

Under these circumstances I was at last compelled to turn author myself, and although the original information which I sought and obtained from divers sources far exceeded my most sanguine expectations, I was still aware of the great deficiency of information which still subsisted,—a deficiency which could only be supplied by access to the charters of foundation and other records deposited in the muniment chest of the Chapter House, which, during the progress of "The Great Tithe Cause of Manchester," was not likely to be granted.

Having thus found my labour to be infinitely greater than I expected, which interfered exceedingly with other engagements, Mr. Agnew was advised by me to procure the aid of Mr. Palmer, architect, and Mr. Whatton, to each of whom distinct portions of the history were assigned.

The result was a work in three volumes quarto, with profuse embellishments, under the general title of "THE HISTORY OF THE FOUNDATIONS OF MANCHESTER," &c.

Of this work, THE HISTORY OF THE COLLEGE AND COLLEGIATE CHURCH OF MANCHESTER, founded by Thomas, Lord la Warre, was written by myself. It occupied the whole of the first, and half of the second volume:

The remaining half of the second volume contained the valuable ARCHITECTURAL DESCRIPTION OF THE COLLEGIATE CHURCH AND COLLEGE OF MANCHESTER, by Mr. John Palmer, architect:

While the third volume, drawn up by Mr. Whatton, was a HISTORY OF THE MANCHESTER SCHOOL AND THE CHETHAM HOSPITAL AND LIBRARY.

Such were the incidents connected with the original appearance of the work.

Of the first contributors to the "History of the Foundations of Manchester" I am now the only survivor,—experiencing the infirmities of age, yet still trusting that I shall be enabled to further illustrate the ecclesiastical history of my native town, now advanced to the rank of an episcopal see and city, by the completion of a fourth and supplemental volume. This will comprise two great divisions, the first of which is now presented to the public under the title: THE ANCIENT PARISH CHURCH OF MANCHESTER, AND WHY IT WAS COLLEGIATED.

The second great division will contain NOTES AND ADDITIONS TO THE HISTORY OF THE WARDENS OF THE MANCHESTER COLLEGE, being intended to supply the deficiencies of the former volumes, and ending with the formation of the Bishopric. The histories also of the two other foundations of Manchester will be continued down to the present period.

Having thus stated the general design of the supplementary volume, I would, in the second place, explain the causes which have led to its production.

Between the publication of the first three volumes of **THE MANCHESTER FOUNDATIONS**, and the appearance of a fourth, or supplementary volume, eighteen years or more have intervened. The additional volume owes its existence to the Reverend Canon Wray, without whose aid I never could have accomplished my present labour.

It was during the period when I was engaged in my former work that this gentleman was a Chaplain of the College. He had then no access to the muniment chest of the Chapter House, but he supplied all my requisitions to the utmost of his means, from such resources as were exclusively his own, or had been collected by him, considering no trouble too great in furnishing me with information.

But soon after the former publication had taken place, circumstances changed. On the fifth of October, 1830, Mr. Wray was elected fellow of the Manchester College, in the room of the Reverend C. W. Ethelston, deceased, to which office, agreeably to an act of parliament, the title of Canon was afterwards attached. By this elevation Canon Wray had access to the charters, &c., of the College, from which he obtained for me, with the concurrence of the Dean and Chapter, the loan of the great charter of foundation, which I was permitted to decipher at my house in York.

About four or five years ago I came to reside a few miles from Manchester, when I felt anxious to be acquainted with other documents, of which I possessed a few notes and abstracts made by Canon Wray. My wishes were instantly acceded to by the liberality of the Collegiate Chapter, in the course of which I made personal acquaintance with Canon Parkinson, who even allowed me to copy his own collections which he had made from other sources of information towards a history of the College and Collegiate Church. The generous and unostentatious manner in which he facilitated my frequent references to the muniment chest, will never be effaced from my memory.

Nor ought I in gratitude to omit mention of the politeness which I received from the late Dean, the Hon. and Rev. Dr. Herbert, and the other Canons, members of the Chapter.

After having been thus possessed of such an accession of inedited documents, I became, while studying them, acquainted with the fact, that the motives which gave rise to the collegiate of the ancient Church of Manchester were two-fold: the first resulting from the increase of population which had arisen in the large parish of Manchester, while the second ensued from the abuses of patronage. A capitular body was accordingly constituted, which had in view two objects solely:—the augmentation of Divine worship, and a more efficient cure of souls.

But the incident most worthy of remark was the remonstrance of the Founder himself against the degradation of ecclesiastical discipline, which had ensued from the rectors of Manchester having been employed in the secular offices of their patrons. This was expressed in as strong language as Wycliffe himself was in the habit of using. And thus, the collegiate of the ancient parish church of Manchester assimilated itself with the earliest movement of reform in England.

This was a discovery, as I conceived, of the deepest interest, yet so much did I mistrust

my own capability of appreciating its value, that I submitted some of the extracts made from the charters, to the judgment of a very old and esteemed literary friend, who happened to be then in Edinburgh, Mr. Trevelyan, now Sir Walter Calverley Trevelyan, Bart., whose knowledge of the history of the English church I knew to be profound. Upon his coinciding with me in an opinion of the high historical importance which ought to be attached to the facts thus developed, I began to study with much earnest attention the era of Wycliffe, who, I soon found, had pronounced, that, in conjunction with the invasions of the rights of patrons by the Papal see, the abuses in ecclesiastical discipline introduced by patrons themselves, constituted some of the greatest grievances of this eventful period.

Such are the simple circumstances connected with the collegiating of the parish church of Manchester. A charter was conceded to the reforming spirit of the days of Lollardism, which owed a dubious allegiance to canonical authorities and precedents. Whether, therefore, it can be safely quoted in inquiries concerning the nature of appropriations in general,—at present the subject of a truly learned argument in Manchester,—I shall express no opinion whatever.

It is sufficient for me, in reference to the truth and correctness of the foregoing narrative, to offer the following explanation:—

Should it be thought that the present work has been suggested by the discussion of certain ecclesiastical questions with which Manchester has for several months been agitated,—it is certain that any such motive as this has met with no response whatever in the mind of the Author. He has arrived at a period of life in which repose is far more congenial to his feelings than the field of religious controversy. Had the contention occurred earlier, it is doubtful if the present volume would ever have seen the light. But to recede was found impossible. Far too large a portion of the volume had been printed off.

Neither would the Author have felt the delicacy of his position half so much, if he had not been indebted to the College for the most valuable portion of the materials which he was printing.

Yet these circumstances ought still to create no reasonable difficulty, so long as the path of duty open to every conscientious annalist remains unclouded. While the writer is forbidden to suppress any fact or incident whatever which might affect the sacred truth of history, not a single line will fall from him, inimical to the best interests of a Collegiate institution, which, notwithstanding occasional aberrations, such as may be detected in the ecclesiastical occurrences of England during every age, has diffused the greatest blessings upon the Christian community of Manchester.

S. HIBBERT-WARE.

*Hale Barns, near Altringham,  
April 21st, 1848.*

# THE ANCIENT PARISH CHURCH OF MANCHESTER,

&c.

## CONTENTS.

### Part First.

|   | PAGE |
|---|------|
| The two Anglo-Saxon Kirks of Saint Michael and Saint Mary .....                               | 1    |
| § 1. The Kirk of Saint Michael, Alport .....  | 3    |
| § 2. The Saxon Parish of Manchester .....   | 3    |
| § 3. The Diocese and Province within which the Saxon Church of Manchester was contained. .... | 4    |
| § 4. The town of Manchester is destroyed by the Danes. ....                                   | 4    |
| § 5. Manigceastre is removed to a more Northern site .....                                    | 5    |
| § 6. The Newer Church of Saint Mary .....   | 5    |
| § 7. The Carucate of Land granted to the Churches of Saint Mary and Saint Michael. ....       | 5    |

### Part Second.

|   |   |
|---|---|
| The interval during which Roger de Poicton became possessed of the Lands between the Ribble and the Mersey  | 6 |
| § 1. Manchester, and its vicinity, during the time of Roger de Poicton .....                                | 7 |
| § 2. The Honour of Lancaster reverts by Escheat to the Crown .....  | 8 |
| § 3. The Honour of Lancaster is said to be transferred to Ranulf Meschines, the third Earl of Chester. .... | 8 |
| § 4. The Churches of Manchester during the reigns of William the First and Second .....                     | 8 |

### Part Third.

|  |   |
|--|---|
| Ecclesiastical events during the Baronial sway of the Greales, Lords of Manchester ..... | 9 |
|--|---|

#### CHAPTER I.

|   |    |
|---|----|
| Ecclesiastical events during the Baronial sway of Albert Grealet, Lord of Manchester.—Temp. Henr. I. ....   | 9  |
| § 1. The Town and Wapentake of Salford gifted to William Peverel, Lord of Nottingham. ....  | 9  |
| § 2. William Peverel, Lord of the Town and Wapentake of Salford, founds the Abbey of Lenton, in Nottinghamshire, whence the introduction of Cluniac monks to the vicinity of Salford and Manchester. .... | 10 |
| § 3. Woden's Cave, at Ordsahal, supposed to have been converted into a Christian Oratory by certain Cluniac monks of Lenton .....   | 11 |
| § 4. The whole or part of the Barony of Manchester gifted to Albert Grealet .....   | 13 |
| § 5. The Parish within which Manchester was situated .....  | 13 |
| § 6. The Diocese within which Manchester was contained .....  | 14 |

#### CHAPTER II.

|   |    |
|---|----|
| Events during the Baronial sway of Robert Grealet, the second lord of that name.—Temp. Henr. I., ending A.D. 1135 ..... | 14 |
| § 1. Extant of Robert Grealet's barony .....  | 14 |

|   |            |
|---|------------|
| § 2. The Mill of Manchester is gifted to the Abbey of Swineshead, in Lincolnshire ..... | PAGE<br>15 |
| § 3. Death of Robert Greslet .....  | 15         |

## CHAPTER III.

|   |     |
|---|-----|
| Events during the Baronial sway of Albert Greslet [Senex], the third lord of that name .....  | 15  |
| § 1. Albert Greslet [Senex], by his Marriage with a Daughter of William Fitz-Nigel, Constable of Chester, obtains certain Manors in the Lordship of Widness ..... | 16  |
| § 2. The Churches of Manchester are relieved from the Dane-geld .....   | 16  |
| § 3. The Town and Wapentake of Salford are transferred from the possession of William Peverel to that of Ranulph Gernoniis, the fourth Earl of Chester .....      | 16  |
| § 3 (a). The confirmation by William Peverel, the younger, of his father's gift of Lands to the Cluniac monks of Lenton .....                                     | 16* |
| § 3 (b). Hugo de Burun grants Lands to the Priory of Lenton, and afterwards becomes a monk of Kersall, near Manchester .....                                      | 16* |
| § 3 (c). Conjectures on the reason why all traces of the history of the Cave of Ordeshal are lost .....   | 17* |
| § 3 (d). Historical account of Ranulph Gernons, the fourth Earl of Chester .....  | 17* |
| § 4. Ranulph Gernons endows the Abbey of Lenton, in Nottinghamshire, with Lands for the foundation of a Cell, or Hermitage, at Kersall, near Manchester. ....     | 17  |
| § 5. Albert [Senex], Lord of Manchester, gives to the Church of Manchester four bovates of Land .....   | 18  |
| § 6. The older Church of Saint Michael, in Alport, supposed to have been, by this time, in a state of neglect. ....   | 19  |
| § 7. Albert [Senex] is a considerable benefactor to the Abbey of Swineshead, in Lincolnshire, where he is interred .....  | 20  |
| § 8. The descendants of Albert [Senex] and his infeftments .....  | 20  |

## CHAPTER IV.

|   |    |
|---|----|
| Events during the Baronial sway of Albert Greslet [Juvenis], the fourth baron of that name.—A.D. 1166?—1182?—Temp. Henr. II. .... | 21 |
| § 1. The Parish of Manchester, and Churches adjacent .....  | 21 |
| § 2. Henry the Second confirms to the Monastery of Lenton, in Nottinghamshire, the Hermitage, or Cell, of Kersall .....           | 21 |
| § 3. The infeftments of Albert Greslet [Juvenis] .....  | 22 |
| § 4. Death of Albert Greslet [Juvenis] .....  | 22 |

## CHAPTER V.

|   |     |
|---|-----|
| During the Baronial sway of Robert Greslet, the fifth baron of that name .....  | 22  |
| § 1. The subordination of the Parochial Church of Manchester at this period to an Archpriest .....                              | 22  |
| § 2. The Archdeaconry of Chester, within which Manchester was comprehended .....  | 23  |
| § 3. Richard the First ascends the throne .....   | 24  |
| § 4. Robert Greslet comes of age, and marries. ....   | 24  |
| § 5. Robert Greslet assists Richard the First in his expedition to Normandy .....   | 24  |
| § 6. The Crusading spirit of this time .....  | 25  |
| § 6 <sup>bis</sup> . The first recorded Dean Rural of Manchester .....  | 25* |
| § 7. Ranulphus de Welling, Rector of Manchester.—Temp. Richard I. ....  | 26  |
| § 8. King John confirms the grant of the Cell, or Hermitage, at Kersall, to the Monastery of Lenton .....                       | 26  |
| § 9. Robert Greslet resists the tyranny of King John .....  | 26* |
| § 10. Albert de Neville, Rector of Manchester .....   | 26* |
| § 11. Was Albert Neville a Dean Rural as well as Rector of Manchester? .....  | 27  |
| § 12. The reverence with which the Cluniac monks of Kersall were held .....   | 28  |
| § 13. Albert de Neville resists the influence which the monks of Kersall had acquired over the Parishioners of Manchester ..... | 29  |
| § 14. Robert Greslet resides at Manchester .....  | 30  |
| § 15. The Civil Jurisdiction of Robert Greslet .....  | 31  |
| § 16. The Vigil of Saint Matthew, in Manchester .....   | 36  |
| § 17. The Fair of Saint Matthew .....   | 36  |
| § 18. Henry the Third grants a Charter for a Fair to be held on the Vigil of Saint Matthew .....                                | 37  |

# CONTENTS.

xi

|   | PAGE |
|---|------|
| § 19. The Fair of Saint Matthew acquires the name of Aca's Fair .....   | 38   |
| § 19 <sup>bis</sup> . The Land with which Aca's Chapel, subsequently named "Grell's Chauntry," was endowed .....                | 39   |
| § 20. The Privileges and Customs of Saint Matthew's, or Acca's, Fair .....  | 40   |
| § 20 <sup>bis</sup> . The Infodation of Ashton-under-Line .....   | 41   |
| § 21. The activity of Robert Greslet in the service of the King .....   | 42   |
| § 22. The Papal Power in the plenitude of its Supremacy, is resisted by Ranulph de Blundeville, the sixth Earl of Chester ..... | 42   |
| § 23. Ranulph de Blundeville grants a Charter to the Town of Salford, making it a free borough .....                            | 43   |
| § 24. Demise of Robert Greslet .....  | 47   |
| Appendix to Chapter V. ....   | 48   |

## CHAPTER VI.

|  |    |
|--|----|
| Events during the Baronial sway of Thomas Greslet, the sixth baron .....                                       | 51 |
| § 1. Ranulph de Blundeville resists the encroachments of the Court and of the Papal See .....                  | 51 |
| § 2. Ranulph de Blundeville dies, and is succeeded in his Lancashire possessions by William de Ferrars .....   | 51 |
| § 3. A Dean of Manchester is recorded by Hollinworth as living in the year 1235 .....                          | 52 |
| § 4. The Functions and Jurisdiction of the Dean Rural .....  | 52 |
| § 5. Certain Feudal events which occurred after Thomas Greslet came of age .....                               | 56 |
| § 6. The Lands of Ordeshal, where existed the Chapel of a Hermitage, are conveyed to David de Hulton ...       | 58 |
| § 7. The Sufferings of the Church from Papal provisions, no less than from Royal interference .....            | 58 |
| § 8. The Deans Rural employed in the Valor Beneficiorum of 1254 .....  | 59 |
| § 9. The conduct of Thomas Greslet during the agitation of certain Civil and Religious questions .....         | 59 |
| § 10. Anno 1261-2.—Demise of Thomas Greslet .....  | 60 |
| § 11. The Church of Manchester is placed under the care, or wardenship, of Peter, second son of Thomas Greslet | 60 |

## CHAPTER VII.

|   |    |
|---|----|
| Events during the Baronial sway of Robert Greslet, the seventh lord of that name .....                | 61 |
| § 1. The Bondage Lands of Gorton, Ardwick, and Crumpeall .....  | 61 |
| § 2. The Town of Manchester characterised as a Borough .....  | 62 |
| § 3. The disturbed state of Lancashire during the struggle for the Representative system .....        | 63 |
| § 4. Robert Greslet arrives at full age and marries .....   | 63 |
| § 5. The great ascendancy which the Monastic orders acquired in the neighbourhood of Manchester ..... | 64 |
| § 6. Demise of Robert Greslet.....  | 65 |

## CHAPTER VIII.

|   |    |
|---|----|
| Events during the Baronial sway of Thomas Greslet, the eighth Lord of Manchester .....  | 65 |
| § 1. The Surveys of the Barony which were taken during the Minority of Thomas Greslet .....   | 66 |
| § 2. During the Minority of Thomas Greslet, the Rights of Patronage in the Church of Manchester are usurped in favour of William de Marchia ..... | 67 |
| § 3. Survey of the Ecclesiastical Benefices comprised within the Deanery of Manchester and Blackburn.—A.D. 1288-92 .....                          | 68 |
| § 4. Walter de Langton, Rector of the Church of Manchester, to which the Chapel of Asaheton was annexed   | 68 |
| § 5. The embarrassments sustained in Lancashire by the demand for men in the Wars .....   | 68 |
| § 6. Hugh of Manchester .....   | 69 |
| § 7. The higher honours of Church and State are heaped upon Walter de Langton .....   | 69 |
| § 8. The Monastery of Stanlawe removed to Whalley .....   | 69 |
| § 9. A.D. 1299.—The institutions of Rectors of Manchester find a place in the Cartularies of the Bishop of Coventry and Lichfield .....           | 69 |
| § 10. Otto de Grandison is instituted Rector of Manchester.—A.D. 1299 .....   | 69 |
| § 11. Thomas Greslet grants a Charter, by which Manchester is made a free borough .....   | 70 |
| § 12. Galfridus de Stoke.—Was he Rector and Dean Rural? .....   | 76 |
| § 13. Nicholas de Arderne appointed Rector of Ashton .....  | 77 |
| § 14. The Cinnisc Cell of Kersall becomes subject to the act "De asportatis religiosis" .....   | 78 |



|   | PAGE |
|---|------|
| § 15. The Civil and Ecclesiastical state of Lancashire, and other counties, at the close of the reign of Edward the First ..... | 78   |
| § 16. The introduction of the family of La Warre to the Barony of Manchester .....  | 79   |
| § 17. Civil state of the Lordship of Manchester at the close of the Baronial sway of the Graelsts .....                         | 80   |

## CHAPTER IX.

|   |    |
|---|----|
| Miscellaneous notices relative to the state of the Manchester Church, under the patronage of the Graelsts ..... | 81 |
| § 1. The Chantry ascribed to one of the three Robert Graelsts, successive Barons of Manchester .....            | 81 |
| § 2. A second Chantry, of unknown date, erected at Manchester .....   | 82 |
| § 3. The Sanctuaries existing in Manchester .....   | 82 |
| § 4. The complaint preferred by the Church of Manchester against its succession of Rectors .....                | 83 |
| § 5. Demise of Thomas Graelst .....   | 84 |

**Part Fourth.**

|   |    |
|---|----|
| Ecclesiastical history of Manchester during the Baronial sway of the family of La Warre ..... | 84 |
|---|----|

## CHAPTER I.

|   |    |
|---|----|
| The alienation of the Manor of Manchester to the Abbey of Dore, in Herefordshire.—From the fourth to the nineteenth of Edward the Second .....                              | 86 |
| § 1. The arming of Villeins, recently emancipated, as well as other "low-born" men, under the name of Yeomen .....  | 86 |
| § 2. Certain knights' fees belonging to the Barony of Manchester are broken up into fractional portions, in order to increase the number of men required for the Wars ..... | 87 |
| § 3. John de Dekorden (perhaps Vorden), Rector of Manchester .....  | 88 |
| § 4. Adamus de Ardena, Rector of Ashton .....   | 88 |
| § 5. Johannes de Ardena and Hugh de Mynegates, Chaplains of Manchester.—Tenth of Edward the Second. [A.D. 1316-17] .....  | 88 |
| § 6. The death of Roger, father of John la Warre .....  | 88 |
| § 7. The Earl of Lancaster's revolt against the King .....  | 89 |
| § 8. The Civil and Ecclesiastical distractions prevailing in Lancashire at this time .....  | 89 |
| § 9. Decline of the office of Rural Deans .....   | 91 |
| § 10. Survey of the Barony, and Manor of Manchester, A.D. 1322 ..   | 93 |
| § 11. Adam de Southwick, Rector of Manchester, A.D. 1323 .....  | 94 |
| § 12. Symon de Barnealey, Rector of Ashton, A.D. 1324 .....   | 95 |
| § 13. The "Jerusalem Land" of Ashton .....  | 95 |

## CHAPTER II.

|   |     |
|---|-----|
| The Manor of Manchester, alienated to the Abbey of Dore, in Herefordshire, reverts to John la Warre ..... | 95  |
| § 1. The remedies adopted to quell Civil distractions, and their subsidence .....                         | 96  |
| § 2. John de Claydon, Rector of Manchester, A.D. 1327 .....   | 96  |
| § 3. The Cluniac Monasteries seized into the King's hands, and restored .....                             | 97  |
| § 4. The introduction of Flemish manufactories into Manchester .....                                      | 97  |
| § 5. The Ninths required from the Parish of Manchester in support of the Wars .....                       | 98  |
| § 6. The Deanery of Manchester is separated from that of Blackburn .....                                  | 99  |
| § 7. John, son of John la Warre, Baron of Manchester, predeceases his father .....                        | 99  |
| § 8. The Military exploits of John la Warre, Baron of Manchester .....                                    | 99  |
| § 9. General state of Rural Deaneries in the year 1342 .....  | 100 |
| § 10. The Chaplains of Manchester, A.D. 1342 .....  | 100 |
| § 11. The Temporal power is still farther encroaching upon the Spiritual power, A.D. 1343-4 .....         | 100 |
| § 12. The gallant exploits of John la Warre .....   | 101 |
| § 13. Demise of John la Warre .....   | 101 |

# CONTENTS.

xiii

## CHAPTER III.

|   | PAGE |
|---|------|
| Events during the sway of Roger la Warre, the tenth Baron of Manchester .....   | 101  |
| § 1. The appearance of Wycliffe .....   | 101  |
| § 2. The Statute of Provisors .....   | 102  |
| § 3. Against Suing in a Foreign realm .....   | 103  |
| § 4. The abuses of Patronage from Spiritual and Lay Patrons .....   | 103  |
| § 5. Thomas de Rodesford, Rector of Ashton .....  | 105  |
| § 6. Thomas de Wyke, Rector of Manchester .....   | 105  |
| § 7. The Pestilence of 1352 .....   | 106  |
| § 8. The gallantry of Roger la Warre at the Battle of Poitiers .....  | 106  |
| § 9. The second marriage of Roger la Warre .....  | 106  |
| § 10. The privileges of Manchester as a free borough are disputed .....   | 107  |
| § 11. The names of two Chaplains of Manchester .....  | 109  |
| § 12. Thomas, the son of Thomas del Wyke, Rector of Ashton .....  | 109  |
| § 13. Roger la Warre is engaged in the Campaigns of his Sovereign .....   | 109  |
| § 14. Thomas del Booth promotes the building of a Bridge from Manchester to Salford, and also founds a Chapel on the Bridge ..... | 109  |
| § 15. Thomas de Wyke, Rector of Manchester, with various Chaplains, are recorded in Thomas del Booth's Will of 1368 .....         | 110  |
| § 16. The advancement of Education at this time .....   | 110  |
| § 17. Demise of Roger la Warre .....  | 110  |

## CHAPTER IV.

|  |     |
|--|-----|
| Events during the Baronial sway of John la Warre, the eleventh Lord of Manchester .....                          | 111 |
| § 1. Thomas, brother of John la Warre, appointed, pro tempore, to the vacant Rectory of Asheton-under-Line ..... | 111 |
| § 2. John la Warre takes possession of his Estates .....   | 111 |
| § 3. Death of Thomas del Booth .....   | 111 |
| § 4. Thomas la Warre resigns the Living of Ashton to Jo. de Marchford.—A.D. 1373 .....                           | 112 |
| § 5. Did Thomas la Warre, about this time, succeed to Thomas del Wyke in the Incumbency of Manchester? .....     | 112 |
| § 6. The earliest Church which was built within the Fortified precincts of the Baron's Hull .....                | 112 |
| § 7. John de Marchford resigns the Living of Ashton to Henry Nettleworth.—A.D. 1374 .....                        | 112 |
| § 8. The Duke of Lancaster aids the attacks of Wycliffe against the Papal supremacy .....                        | 113 |
| § 9. Wycliffe popularizes the principles of Reform .....   | 114 |
| § 10. The effect of Wycliffe's mission on the Social and Political state of England .....                        | 115 |
| § 11. The disturbances of Lancashire at this period .....  | 116 |
| § 12. Thomas la Warre is admitted to the Prebend of Grindale, York .....   | 118 |
| § 13. Were John la Warre and his brother, Thomas la Warre, influenced by the principles of Wycliffe? .....       | 118 |
| § 14. The Duke of Lancaster withdraws his favour from Wycliffe .....   | 118 |
| § 15. The death of Wycliffe .....  | 119 |
| § 16. The additional Church preferments given to Thomas la Warre. ....   | 121 |
| § 17. Premunire for purchasing of Bulls from Rome. ....  | 121 |
| § 18. The movement of the Wycliffites, under the name of Lollards .....  | 121 |
| § 19. Demise of John la Warre.—A.D. 1398 .....   | 122 |

## CHAPTER V.

|  |     |
|--|-----|
| In the time of Thomas la Warre, the twelfth Lord of Manchester. ....   | 122 |
| § 1. Names of two Chaplains in Manchester about the year 1405 .....  | 123 |
| § 2. Thomas, Lord la Warre, made Prebendary of Southwell. ....   | 124 |
| § 3. The dispersion of the Scriptures at this period .....   | 124 |
| § 4. Thomas la Warre makes a Trust Deed in favour of the descendants of his half-sister, Joanna, with the view of displacing the true Heir of the Griffin family ..... | 124 |
| § 5. The Trustees nominated by Thomas la Warre, when providing for the succession of the family of West... ..  | 125 |
| § 6. A Deed relative to the Infudation of Asheton-under-Line, by which a trust settlement of Thomas la Warre is implied .....  | 126 |

|   | PAGE |
|---|------|
| § 7. The Cell of Kernall is released from its obedience to the Abbot of Clugni .....      | 127  |
| § 8. Precept issued to the Sheriff of Lancaster against the Lollards of this County ..... | 128  |
| § 9. Thomas la Warre collated Prebendary of North-Kelsey .....                            | 128  |
| § 9. Thomas la Warre styled Decanus Decanatus de Mamcestre. ....                          | 129  |

## CHAPTER VI.

|  |     |
|--|-----|
| The Motives for Collegiating the Parish Church of Manchester .....   | 129 |
| § 1. The extent and increased Population of Manchester form a motive for Collegiating its Parish Church ....                 | 129 |
| § 2. Causes of the increase of the class of Yeomen. ....   | 129 |
| § 3. The abuses of Patronage form a motive for Collegiating the Parish Church of Manchester .....                            | 132 |
| § 4. Thomas, Lord la Warre, obtains the co-operation of the Bishop of Durham, and the Bishop of Lichfield and Coventry ..... | 133 |
| § 5. The description of College contemplated by the Founder .....  | 134 |
| § 6. An increased Endowment proposed to be bestowed upon the contemplated College. ....                                      | 135 |
| § 7. By what Laws the proposed Capitular Body was intended to be governed. ....  | 136 |

## CHAPTER VII.

|  |     |
|--|-----|
| Representation to the Bishop of the Diocese of the Evils which had resulted in Manchester from Rectors having been employed in Secular offices. .... | 136 |
| § 1. The Non-residence of Rectors represented and complained of. ....  | 137 |
| § 2. The complaint that the Parishioners of Manchester were abandoned to the care of remote, stipendiary Chaplains .....                             | 138 |
| § 3. The representation that the non-resident Rectors applied the fruits and offerings of the Church to their own use .....                          | 139 |
| § 4. The representation of the Neglect of the Cure of Souls .....  | 139 |
| § 5. The charge of a Diminution of Divine Worship .....  | 139 |
| § 6. The charge of a Defrauding of Hospitality and of the Support of the Poor .....  | 140 |
| § 7. The representation of the great Danger of Souls .....   | 141 |

## CHAPTER VIII.

|  |     |
|--|-----|
| Henry the Fifth is supplicated for a License to Collegiate the Parish Church of Manchester ..... | 143 |
|--|-----|

## CHAPTER IX.

|  |     |
|--|-----|
| The various parties whose joint consent to the Appropriation was demanded by the Bishop of the Diocese ..... | 149 |
|--|-----|

## CHAPTER X.

|   |     |
|---|-----|
| Consent of the Parishioners of Manchester and of the Dean Rural to the Foundation ..... | 150 |
|---|-----|

## CHAPTER XI.

|  |     |
|--|-----|
| The Charter of Foundation .....  | 153 |
| § 1. The first portion of the Charter of Foundation.—Preamble .....  | 154 |
| § 2. The second portion of the Charter of Foundation.—The Procurators appointed by the Prior and Chapter of the Cathedral Church of Coventry;—by the Dean and Canons of the Cathedral Church of Lichfield;—and by Henry Halsall, Archdeacon of Chester ..... | 157 |
| § 3. The third portion of the Charter of Foundation.—Declaration of the contumacy of certain persons .....   | 160 |
| § 4. The fourth portion of the Charter of Foundation.—The Charter of Foundation declared by the Bishop of Lichfield and Coventry .....   | 161 |
| § 5. The fifth portion of the Charter of Foundation.—Declaration of the Public Notary to the Correctness of the Proceedings .....  | 166 |
| § 6. The sixth portion of the Charter of Foundation.—Confirmations of the Charter of Foundation.—[Given in Chapter XIII, pp. 168, 169, and 177] .....  | 167 |

## CHAPTER XII.

|  |     |
|--|-----|
| The Laws which were drawn up for the Government of the College ..... | 167 |
|--|-----|

## CONTENTS.

XV

### CHAPTER XIII.

|   | PAGE |
|---|------|
| The Proceedings which followed the grant of a Charter of Foundation to the College and Collegiate Church of Manchester .....  | 166  |
| § 1. The Confirmation by David Pryce, Archdeacon of Chester, of the Charter of Foundation, &c. ....   | 168  |
| § 2. Confirmation of the Charter by the Prior and Chapter of Coventry .....   | 169  |
| § 3. The Infetment of Thomas, Lord la Warre, of five Messuages and ten acres of Land with their appurtenances in Manchester, Alport, Gorton, and Heton, also the Advowson of the Church of Manchester, to certain feoffees, the Bishop of Durham and others, for the use of the College.—Dated 8th of November, 1422 .....                                    | 170  |
| § 4. The Presentation and Institution of John Huntynghdon, Bachelor in Decrees, to the office of Master, or Warden of the College of Manchester .....   | 172  |
| § 5. The Deed by which Thomas la Warre's feoffees, the Bishop of Durham and others, confirm to John Huntynghdon, Warden, and to the Fellows of the College of Manchester, certain Lands in Manchester, Alport, Gorton, and Heton, and the Advowson of the Church of Manchester, for the perpetual use of the said College.—Dated 14th of December, 1422 ..... | 174  |
| § 6. The Letter of Attorney addressed by Thomas la Warre's feoffees, authorising Ralph Bulkeley and Lawrence Hulme to surrender certain Lands and the Advowson to John Huntynghdon, Warden, and the Fellows of the College.—Dated 14th of December, 1422. ....  | 176  |
| § 7. A second Deed of Confirmation, by David Pryce, Archdeacon of Chester, of the Charter of Foundation, with an approval of what his predecessor, Henry Halshall, had done.—Dated 25th of June, 1423. ....   | 177  |

### CHAPTER XIV.

|  |     |
|--|-----|
| Was the Papal Consent, or Confirmation, ever obtained for the Collegiating of the Pariah Church of Manchester? ..... | 179 |
|--|-----|

### CHAPTER XV.

|  |     |
|--|-----|
| The demise of Thomas, Lord la Warre..... | 179 |
|--|-----|

## REMARKS ON THE HISTORY OF THE ANCIENT PARISH CHURCH OF MANCHESTER, WITH ADDITIONS.

### CHAPTER I.

|   |     |
|---|-----|
| Remarks on the Baronial History of Manchester .....   | 181 |
| § 1. Additions, &c., to the Annals of Robert Greulet, the fifth Baron .....   | 182 |
| § 2. Additions to the Account of Thomas Greulet, the sixth Baron of Manchester .....  | 183 |
| § 3. Additions to the Account of Robert Greulet, the seventh Baron .....  | 183 |
| § 4. Date of the demise of Thomas Greulet, the eighth Baron .....   | 184 |
| § 5. Alienation of the Manor of Manchester to the Abbey of Dore, in Herefordshire, from the fourth to the nineteenth of Edward the Second ..... | 185 |
| § 6. Notices of John la Warre, the ninth Baron, and of Roger la Warre, his successor. ....  | 186 |
| § 7. The Sword of State used by the Ancient Barons of Manchester.....   | 186 |

### CHAPTER II.

|   |     |
|---|-----|
| The Civil and Municipal History of Manchester ..... | 186 |
|---|-----|

### CHAPTER III.

|  |     |
|--|-----|
| Remarks on the Deans Rural, Rectors, and Chaplains of Manchester ..... | 188 |
| § 1. The Deans Rural of the Deanery of Manchester .....                | 188 |
| § 2. The Rectors of the Ancient Parish Church of Manchester .....      | 189 |

|   | PAGE |
|---|------|
| § 3. The Rectors of Ashton .....                        | 193  |
| § 4. The Chaplains and other Clerks of Manchester ..... | 194  |

CHAPTER IV.

|   |     |
|---|-----|
| Remarks on the Documents relative to the Collegiating of the Ancient Parish Church of Manchester..... | 194 |
| § 1. State of the Documents.....  | 194 |
| § 2. Mode of Printing the Documents .....   | 195 |
| § 3. The Translations rendered .....  | 195 |
| § 4. The Works consulted .....  | 196 |
| § 5. Notes on a few of the Terms occurring in the Documents .....                                     | 196 |

CHAPTER V.

Certain events connected with the foundation of the College, subsequent to the demise of Thomas, Lord la Warre .....

|  |     |
|--|-----|
| Warre .....  | 197 |
| § 1. Concluding notices of Cardinal Langley (Bishop of Durham), who aided in the Foundation of the College           | 197 |
| § 2. Notice of William Heiworth, Bishop of Lichfield, who sanctioned the erection of the College of Manchester ..... | 198 |
| § 3. The bequests of which Thomas la Warre's foundation was the forerunner.....                                      | 198 |
| § 4. Conclusion .....  | 198 |

\* \* This work, under the title of THE ANCIENT PARISH CHURCH OF MANCHESTER, &c., is, more properly speaking, an INTRODUCTION TO THE ANNALS OF THE COLLEGE AND COLLEGIATE CHURCH, MANCHESTER, formerly published, to which additions are intended to be made in a second portion of this supplementary history.

In page 199, will be found the acknowledgments which I owe to the correspondents who have honoured me with communications in aid of my rather difficult labour.

S. H. W.

HISTORICAL INTRODUCTION  
TO THE  
ANNALS OF THE COLLEGE  
AND  
COLLEGIATE CHURCH,  
MANCHESTER,  
FOUNDED BY THOMAS, LORD DE LA WARRE,  
A.D. MCCCCXXII.

---

As the circumstances which gave rise to the foundation of the College and Collegiate Church of Manchester cannot be appreciated without the aid of a history dating from the earliest known records of the town, this object will be attempted after the following manner:

First, by an inquiry into the origin of the two Saxon Kirks of Saint Michael and Saint Mary, Manchester, which were endowed with a carucate of land named the Kirkman's Hukme;

Secondly, by a glance at the period when Roger de Poictiers held all the lands between the Ribble and the Mersey;

Thirdly, by a chronicle of the events which took place when the Greslets were Barons of Manchester and Patrons of the Kirk of Saint Mary;

Fourthly, by details of the civil and ecclesiastical state of the town during the baronial sway of the family of La Warre.

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**Part First.**

THE TWO ANGLO-SAXON KIRKS OF SAINT MICHAEL  
AND SAINT MARY.

Manchester was the Mancenion of the Britons and the Mancunium of the Romans. It was originally formed upon the northern banks of

the River Medlock, near its confluence with the Irwell. In the various Iters, this station is made to communicate with Cambodunum, Condate, Coccium, and Veratinum.

After the Romans had quitted Britain, which they left to be overrun by uncivilised tribes, a complete dismemberment of the country ensued, which was indicated by the co-existence of a number of small provinces, named fiefs, respectively under the sway of divers petty sovereigns, or masters, of Saxon, Frisian, or northern descent. A fief, or "beneficium," was the reward of territory conferred by a superior upon the condition of services, generally of a military character. The possessors of fiefs formed among themselves an infinite number of small groups, in each of which was to be found some leader, some lord, or some chief, who bore paramount sway. At the same time, there was an absence of all monarchical centralization.

During this incipient state of feudalism, the Saxon district of Salford, in which Manigceastre, or Manchester, was situated, became known under the name of the "Salford Hundred." Like the "Pagus" of which Tacitus writes, it might have furnished a band of one hundred combatants for battle, whence the term "Hundred," under the guidance of some northern chief. It may also be conjectured that the petty prince, or the thegn, resided at Manigceastre, and that the principal

pass or ford of the Irwell, designated, from its superiority, the "Salford," or "the safe ford," had given its name to the territory which constituted the hundred, or shire.

At length another social organization ensued. With the state of feudal proprietorship, there was a fusion of sovereignty. Among the numerous aggregations of Saxon families, differing from each other in population and geographical extent, so as to give rise to the various names of hides, tithings, sowlings, hundreds or shires, royalty was introduced, and, in struggling against competition to maintain for itself a separate and independent existence, produced that manifold and complex state of kingly dominion which particularly characterised the Saxon octarchy. The hundred of Salford then became comprised within the kingdom of Northumberland.

The social constitution of the hundred of Salford next aimed at that more complete development which is described in the records of a later date, namely, the Dom-Boc. Royalty was no longer, as in the Roman period, a brilliant manifestation of temporal power. Kings were little more than great proprietors of fiefs, surrounded by other proprietors almost equally powerful with themselves, and, occasionally, even more so. The king, in contradistinction to inferior lords, was "king-lord," or lord of the principal chieftains, and, through them, of their respective vassals. Great tenants paid homage to their sovereign at Christmas, Easter, and Whitsuntide.

Along with the king-lord who wielded the sceptre of Northumberland, the feudal society of the hundred of Salford was composed of thegns, villains, bordars, and bondmen.

The thegns, from thegnian to serve, were so named from the military service which they performed. The law required one combatant from every five hides of land, and hence, when the ceorl, of an ignoble class, obtained this amount of territory, he was raised to the rank of thegn. Of thegns, however, there were two degrees :

The greater, or royal thegn, acknowledged no other superior than the king, and, as such, they enjoyed in the hundred of Salford, as in other districts, certain privileges and immunities.

The lesser thegns were subordinate to such ealdermen as held immediately from the king. They formed a class which the practise of subinfeudation, or subthanage, had created. Thus we read of berewicks in the hundred of Salford, which were held by as many thegns, that is by lesser thegns who gave in their fealty, or adhesion, to some superior or royal thegn. For

instance, the manor of Assheton-under-Line was a berewick of the superior manor of Manchester, whence it has been inferred that Manchester boasted for its lord a royal thegn, while Ashton was possessed by a subordinate thegn.

The villains, or coloni (*glebæ inhærentes*), originally sprang from a condition of society like that of tribeship, clanship, or septship. They lived in a sort of semi-slavery upon the domains of great chiefs, which lands they cultivated under the stipulation of an annual rent.

The bordars were a still lower class of farmers possessing some smaller portion of soil, under the obligation to serve the superior with eggs and poultry. But the exact nature of their services, generally supposed to be of a very ignoble kind, has not been determined.

The lowest order in the social scale was that of servi, or bondmen, originally captives of war, or malefactors, held in servitude for their crimes, whose persons belonged to their masters, who were employed in domains to work in the fields, or in the interior of houses. Their owners had a right of claiming them wherever found. They were publicly bought and sold in slave-markets.

Such was the organization of Anglo-Saxon society, in the Salford hundred, about the commencement of the octarchy.

At this period, the Saxon church began to possess a history;—which history dates from the era of papal ascendancy, when the influence of the see of Rome over the whole of the states of Christendom was confirmed. The system, derived from the East, which admitted of patriarchs, having been powerful in the church, had already reduced to a subordinate rank archbishops and bishops. The Bishop of Rome then became the sole Patriarch of the West; his claim to supremacy having been aided by the tradition, that Saint Peter had exercised the same spiritual functions. Hence the gradual preponderance which the pontiff had acquired by appeals made to him from all the churches of Europe, to decide grave questions of faith and discipline. And thus the conviction gained ground, that the pope, as the interpreter of the faith, was the chief of the universal church, above all other bishops, above national councils, and even above temporal governments.

In Britain, the influence of the pope was perhaps greater than in any other country in Christendom, owing to this circumstance, that the Anglo-Saxon church had, from its origin, been exclusively under the influence and encouragement of the Bishop of Rome, as was shewn in the apostolic labours of Augustine and Paulinus.

In the district contained between the Ribble and the Mersey, numerous stone crosses are still to be seen at Whalley, Ribchester, and other localities, which remain as the most ancient monuments of the sacred mission of Paulinus. Odinism was dispelled, the influence of which, in the Saxon Manigceastre, or Manchester, was indicated by the cave which lately existed at Ordshal, under the traditional appellation of "Woden's Den." Within this gloomy recess the obeisance of the traveller was invited, while traversing the ancient paved causeway of "Woden's Ford," formed across the river Irwell. Eventually, Woden's cave became the site of a Christian hermitage.

#### § 1. THE KIRK OF SAINT MICHAEL, ALPORT.

In the year 689, according to Robert of Brunne, Manigceastre was the temporary residence of Ina, King of Wessex, and Ethelburga his Queen :

"Ina, King of Westsex, for his wife sent  
"Unto Malmceastre, the Queen till him went."

This historical occurrence naturally leads us to suppose that a Saxon keep, or castle, which owed its origin to a thegn, must have existed within, or near the area of the Roman station of Mancunium, whence the later name which this site acquired of the Castle-field. And if a castle really subsisted at this period of Saxon history, we are entitled to suppose that it was not unaccompanied by a church. The legitimacy of this inference is evident from considering what actually took place in Gaul after the dismemberment of the Roman empire. Every feudal proprietor would erect for himself a petty dominion, which was little disturbed by the overruling attempts of kingly authority, then in a state of imperfect centralization. Accordingly, in establishing himself, like the thegn of Manigceastre, within some previously fortified site attributable to Roman design, or engineering, he would collect around him a small assemblage of coloni, or serfs, for whose spiritual interests he would found a church and provide for the maintenance of a priest, named in Manigceastre, a kirkman, who, at the same time, would be the chaplain of the castle. At a later period, Æthelstan required that every thegn should possess in the immediate site of his castle, a church and a bell-house.

In reasoning after this manner, we may suppose that the labours of the early missionary, Paulinus, were in due time rewarded in Manigceastre by the erection of the more ancient of the two churches commemorated in the Dom-Boc, namely of St. Michael. The site was either adjoining the original Saxon fortress of Mancastle, or somewhere within that portion of the older town of Manigceastre, which, in contradistinction to a newer, or more northerly

site, acquired the name of Aldport, or the Old Town. Some remains, conjectured to be ecclesiastical [see Baines' Lancashire, vol. ii, p. 155], were discovered in the year 1821, by some workmen, while making a drain in the township of Hulme, in the exact line of the Roman road from Manchester to Chester, being a few hundred yards to the southward of the Roman station. But, unhappily, these relics possess no very determinate character.

The most satisfactory indication of the existence of Saint Michael's Kirk, within the precincts of Alport, is that which was first commented upon by Whittaker, namely, the annual mart which is still kept up in an open space adjoining the Castle-field, named "Knott Mill Fair." The learned historian of Manchester has supposed this annual commemoration to have arisen from the feast of dedication.

From these investigations it would appear, that the church dedicated to Saint Michael, which is commemorated in the Dom-Boc, may with great probability date from the close of the seventh century, at a time when, in the west of Europe, the church was completely organized, and, in the language of Guizot, had succeeded in bringing into order by means of a moral force, the chaos of material power which had invaded society.

#### § 2. THE SAXON PARISH OF MANCHESTER.

After the conversion of a Saxon district, such as the hundred or shire of Salford, to Christianity, each Christian agglomeration, at first rather inconsiderable, would form a parish, having for its religious chief a priest, or "kirkman." Mr. Whittaker (more solito,) has speculated diffusely upon the original extent of the parish, or thegnland, of Manigceastre, proceeding upon the supposition, certainly a gratuitous one, that it was commensurate with the recorded extent and boundary of the barony during a much later period of its history, namely, in the reign of Edward the Second. In quoting the recommendation of a council of the church, summoned A.D. 678, by Theodore, he has remarked, that as dioceses had been made commensurate with provinces, in like manner parishes would now be made commensurate with baronies, the church being in the centre of them, and has thence inferred that the thegnland, or parish of Manchester, "was skirted by the parishes of Eccles and Flixton on the west, and washed by the currents of the Mersey and Tame on the south; that it reached up to the hills of Saddleworth on the east, and bordered up to the parish of Prestwich on the north."

The obligation of tythes, collected in each pa-



rish, owed its first enforcement to Offa; who, in 747, ordered a previous law, framed for that purpose, to be strictly put into execution.

§ 3. THE DIOCESE AND PROVINCE WITHIN WHICH THE SAXON CHURCH OF MANCHESTER WAS CONTAINED.

The union of all such parishes as happened to be agglomerated round a city, in a circumscription a long time vague and variable, formed the diocese, over which was placed a bishop; who was, in fact, the source as well as the centre of diocesan organization. Saint Michael's Kirk of Manigceastre was at first in the diocese of York, of which Paulinus was the first bishop. Subsequently, the episcopal see of Lichfield was created; which, in the year 656, was held by Diuma, the first bishop, conjointly with the see of Lindisfarne. And when Northumbria had fallen under the dominion of the West Saxons, the tract of land between the Mersey and the Ribble, within which Manigceastre was included, became dis severed from the diocese of York and was annexed to that of Lichfield.

Again, as the city of York, the Eboracum of the Romans and the metropolis of Northumbria, possessed riches, population, and influence, all the dioceses adjoining to it composed an ecclesiastical province, which was under the direction of a metropolitan, or archbishop. His residence became the chief site of the provincial council, which, as the president, he convoked. He was also charged to confirm and to give his consent to such bishops as had been elected within the province, to receive accusations, and to submit them to councils which alone had the right of judgment.

But, besides the archbishopric of York, Offa, in the year 747, prevailed upon Adrian the First to make the see of Lichfield archiepiscopal; which in the subsequent reign of Egfrid was revoked, when Lichfield became finally annexed to the province of Canterbury.

Owing to these changes the Saxon parish of Manigceastre, in its removal from one see to another, became in turns comprised within the archbishoprics of York and Canterbury.

During this constitution of the Anglo-Saxon church, the episcopal influence was considerable. In the tenth century, Æthelstan enacted a law, whereby bishops were empowered to sit occasionally in courts of judicature, to inspect the proceedings of the civil magistracy.

Numerous also were the edicts which appeared for the support of the influence and supremacy of the Bishop of Rome, as Patriarch of the West. In 727, Ina, King of the West Saxons, established regulations for the annual payment of a penny for

each house to the papal see, which was called Rome scot, or Peter pence. Offa, in 747, confirmed this provision, upon the occasion of a pious visit which he made to Pope Adrian.

§ 4. THE TOWN OF MANCHESTER IS DESTROYED BY THE DANES.

After the dissolution of the octarchy under Egbert, there took place a less complex centralization of monarchy in England, whereby the government of the country was surrendered to one power superior to all other local influences. The Anglo-Saxon dynasty then arrived at the greatest height of rule, of which the feudal institutes of the kingdom were susceptible.

Subsequently, Northumbria fell under the dominion of the Danes and other northmen. In the reign of Ethelred, all lands became subject to a tax, named Dane-geld, as a compensation for Danish forbearance. Manigceastre was then overrun by a horde of plundering northmen, and, according to old writers, was "sore defaced by the wars of the Danes."

Early in the tenth century, when the Northumbrian Danes had begun to encroach upon the borders of Mercia, Edward the Elder, in the system of defence which he adopted, wrested Manigceastre from the power of its invaders; and, as historians add, "because the inhabitants had behaved themselves manfully in the British wars, the Saxon monarch repaired the town beyond the river Mercia, then accounted the south-east of Northumberland." Mancastle then underwent a renewed state of defence, and was subsequently attached to the estates of the crown.

A century afterwards, Mancastle became possessed by Canute the Dane, whose ancient proprietorship is still commemorated in the ancient mill turned by the river Medlock, which has since continued to bear the name of "Knute's Mill," now corrupted into "Knott Mill." Until the time of Canute, the lands had been burdened with the obligation of supporting the king during his progress through the country. But the more considerate Danish monarch undertook, from the demesne lands of the crown, or from the royal farms, to relieve his people from the heavy impost. Accordingly, the profits of the mill adjoining Mancastle, named Knute's Mill, were devoted to this beneficent purpose.

We know nothing of the state of the church of Manchester during the Danish invasions. Much of the discipline of the English church is said to have been abused; whence the laws of Edgar, enacted about the middle of the tenth century, regarding the celibacy of the clergy, and concerning

fasting and confession. Canute, the Dane, in compensation for the atrocities of his countrymen, continued the reform by still newer ecclesiastical laws, and ordered many churches and houses which had been destroyed, to be repaired.

With the accession of Edward the Confessor to the throne of England, the Saxon line of monarchs was restored. This king, like his predecessors, possessed manors in divers parts of the kingdom. Between the Mersey and the Ribble he had various lands distributed among its five districts, named Hundreds. It is also expressly stated, in the Dom-Boc, that "King Edward held Salford."

#### § 5. MANIGCEASTRE IS REMOVED TO A MORE NORTHERN SITE.

It has been shewn that the older of the two churches commemorated in the Norman survey, was that of Saint Michael, situated in Alport, either within, or adjoining the Roman station of Mancunium, subsequently named Castle-field. When the Dom-Boc was compiled, both the castle and the older church were in a process of decay. It must be recollected, that for upwards of a century, the Danes had made Manigceastre the constant scene of their devastation and slaughter; and when they had nearly destroyed the town and fortress, it would be very natural for the Saxon natives, amidst the encouragements held out to them by their revived line of Saxon monarchs, to avail themselves of a stronger position afforded by the immediate vicinity of Mancastle, where another town, and even fortress, might be built. Such a superiority the confluence of the Irk and the Irwell would promise, independently of the convenience which it would possess of commanding the chief and best ford of the river, namely Salford, or the safe ford. Hence may be explained the reason why the town was removed to the ground which it subsequently occupied, about a mile north of the more ancient site of Alport. As Saint Michael's Church, therefore, would be at an inconvenient distance from the newer town, another church arose, which was dedicated to Saint Mary.

#### § 6. THE NEWER CHURCH OF SAINT MARY.

With regard to the site of the kirk and kirk-yard of Saint Mary in Manigceastre, it lay to the south or south-west of the present market-place. According to the tradition which has been collected by Mr. Whittaker, it stood at the termination of Saint Mary's-gate, formerly a narrow avenue, at its eastern end. It is also stated by the late Mr. Gresswell, that an ancient stone arch had been discovered on the easterly and south side

of the present Saint Mary's-gate, the remains of which were to be seen in a wine vault, formerly in the occupation of Mr. Ridings.

Remains of the cemetery, attached to the kirk, are said to have been indicated at the time when the present church of Saint Ann's was built. Vast quantities of bones were dug up, deposited in their cells, and discovered everywhere as the foundations were carried along, about two yards deep in the ground.—[History of Manchester, 4to., vol. ii, p. 412.]

The late Mr. Barrett has also stated, that when the floor of a bookseller's shop, on the site of the present new Exchange, was taken up, he saw a brick vault in which human bones had been deposited.—[See his MSS. in the Chetham Library.]

In the year 1742, a similar discovery was made during an excavation at the eastern termination of Saint Mary's-gate, on the south side of the street, west of Byrom's-court. The workmen went through seven or eight feet, and then came to evident graves.

These observations attest the great extent of the original church-yard of Saint Mary; which, in a general manner, may be considered as having occupied the present area of Saint Ann's-square, Exchange-street, and an easterly portion of Saint Mary's-gate.

#### § 7. THE CARUCATE OF LAND GRANTED TO THE CHURCHES OF SAINT MARY AND SAINT MICHAEL.

The donation of a carucate of land to the two churches of Manigceastre was in pursuance of the practice of Charlemagne, at the end of the eighth century. He ordered, that there be given to each church, under the name of "Mansus Ecclesiasticus," a "metairie," free from all kinds of charges and of imposts.

In Manigceastre a carucate of land was given to the two churches of Saint Mary and Saint Michael. The carucate has been supposed, with good reason, to have been the hamlet, and tract of land annexed to it, of the "Kirkman's Hulme," which had been devoted by some Saxon thegn to the support of the "kirkman," or "persona ecclesie" of the Saxon town of Manigceastre; who, from this donation of land, would acquire the rank of a mass-thegn;—a term then used in contradistinction to a "world-thegn," who, among other military services, was required to furnish one miles for every five hides of land, and to serve his sovereign two months upon each requisition. The estates of the mass-thegn, on the contrary, were exonerated from military and all other services.

At what time the grant of a carucate of land

was made to the church, or churches, of Manchester, is perfectly uncertain. Mr. Whittaker has supposed, without any proof, that it originated in an early Saxon period, with the first thegn of the district! We find no mention of the grant, however, until the time of Edward the Confessor; the record first appearing in the Domesday survey.

With these remarks our inquiry into the origin of the two Saxon churches of Saint Michael and Saint Mary is terminated. At the remote epoch of their foundation, so intimately were spiritual and temporal interests interwoven with each other, that it was found impossible to disunite the history of holy kirk from that of the manor, of which it formed a component part. It was shewn that the lands of the Anglo-Saxons were essentially feudal; that is, they were distributed into a number of distinct fiefs, which were held under the obligation of military service. Monarchy, however, which was opposed to the feudal tyranny of thegnage, had succeeded, amidst the clashing interests of local influences, in centralizing its dominion, and in exercising over the whole a salutary jurisdiction. While monarchy accommodated itself to the principles and forms of feudalism, it obeyed the immediate wants of society at large, by assuming the right of interfering with the privileges of thegnas, for the purpose of protecting the feeble against the strong. Thus, the king was the superior judge, and received appeals from every court of judicature. Ealdermen, sheriffs, boroughreeves, and judges, alike held offices at his pleasure, and were at once removable by a royal fiat. And, in the meantime, the church assisted the views of monarchy, by an appeal to the moral and religious principles of feudal society, even to the mitigation of the hard condition of the slave, or bondsman.

## Part Second.

### THE INTERVAL DURING WHICH ROGER DE POICTOU BECAME POSSESSED OF THE LANDS BETWEEN THE RIBBLE AND THE MERSEY.

We now draw nigh to one of the most interesting epochs of English history. On the 14th of October, 1066, William of Normandy, by the decisive battle of Hastings, doomed the whole of England to a change of masters.

Among the few Norman lords who had been favoured with extensive grants, was Roger, the third son of Roger de Montgomery, Earl of Belesme. To Roger de Poictou, or Pictavensis, was assigned, along with various manors in other parts of the

kingdom, an extensive and compact district, which included the shires, or hundreds, of Amounderness, Furness, and Lonsdale, together with the large tract of country lying between the Ribble and the Mersey, among which was the hundred of Salford. The grantee was at the same time invested with the rank and functions of an earl, or eolderman, of the Saxon period,—of one who led the vassals of his shire to battle, who presided, with the bishop, in the county courts, who enforced the execution of justice, and paid a portion of his rents and fines into the treasury of the king.

Roger de Poictou soon found the difficulty of his position. He had taken possession of a large tract of country which he had no means of occupying, or of preserving from the invasion of neighbouring feudal proprietors; as, for instance, from those of Mercia on the south, or of Westmoreland and Yorkshire on the north and east, who might detach certain portions of territory lying contiguous to their respective domains, or might even establish themselves in the province at large as usurpers. In fixing his own seat, therefore, in the strong-hold of the castle of Lancaster, he assigned to a select number of barones comitatûs, various stations commanding the frontiers of his province. By these adherents Roger de Poictou, in his new royalty, was surrounded, and with these faithful allies he acted in assembly and concert.

In the next place, as the barones comitatûs had severally tenants, or vassals, of their own, Roger de Poictou acknowledged, to a certain extent, their feudal independence, and allowed their jurisdiction within their respective domains to exercise itself with efficiency. At the same time, he placed himself above all local powers established within his territorial circumscription, assuming the right of listening to appeals, and thus of controlling the acts and decrees of his barons, with the view of preventing feudal divisions, of defending the weak against the strong, and of punishing all such as took delight in desolating towns, or in destroying churches. This superior control which Roger de Poictou was called upon to exert, constituted THE HONOUR OF LANCASTER, as the new and enlarged jurisdiction began to be named; which "Honour" extended itself to all the manors and lordships, with all their appurtenances, comprehended within the new county palatine of Lancaster.

At the close of the Conqueror's reign, Roger de Poictou had the temerity, during a dispute with his liege sovereign, to declare his defection from the royal cause. This failure of duty incurred the usual penalty incidental to feudalism. The fief became liable to forfeiture, either for a limited

time, or for life, or for ever. In the succeeding reign, however, of William Rufus, the possessions of De Poictou were restored to him, so that, during several years, he re-established his jurisdiction with splendour.

§ 1. MANCHESTER, AND ITS VICINITY, DURING THE TIME OF ROGER DE POICTOU.

To the aggregate of Hundreds comprised within the Honour of Lancaster, the name of "Lancashire" began to be given.

In the Salford Hundred, within which Mamecestre, or Manchester, was included, the names of five milites, or knights, infeoffed by Roger de Poictou, appeared in the Dom-Boc. These were Nigel, the founder of the baronial house of Widness and Halton, who held three hides, and half a carucate of land; while the other four, named Warin, another Warin, Goisfrid, and Gamel, possessed among them six carucates and a half. That the manor of Manchester was held by one of the said milites, or knights, has been affirmed, rather than proved. There is, at least, equal room for the conjecture, that Manchester had undergone no transfer whatever from the immediate domination of Roger de Poictou. This chieftain would stand in the same relation to the royal and inferior thegns occupying lands in the vicinity of Manchester at the time of the Conquest, as was possessed by Edward the Confessor, whom he succeeded as lord paramount of the territory between the Ribble and the Mersey. This is proved by the peculiar tenures of thegnage and drengage, enjoyed by numerous possessors of the soil in the vicinity of Manchester, even to a late period of the feudal history of Lancashire.

The tenure of thegnage appears to have involved in it the principle of relief, namely, that a fief had fallen by the death of an inheritor of lands, and that a heir, or successor, must relieve it in order to regain possession. In other words, the lord paramount claimed the power of disposing of a benefice, or fief, after the death of a tenant, and even of controlling the distribution of other possessions belonging to his vassal. If a tenant, therefore, felt anxious to obtain the confirmation of his superior, that the lands which he enjoyed should be inherited by his heir and successor, he would provide, by will, for the payment, at his death, of the Saxon heriot, or of the Norman relief. Thus, for instance, as the Dom-Boc proves, the thegns under King Edward, in the hundreds of Salford and Leyland, are said to have respectively paid two ores of denarii for two carucates of land, and, it is added, when any one wished to withdraw from the

king's land, he gave forty shillings, and might then go where he would; and if any one, at the death of his father, wished to succeed to the land, he was required to pay a relief of forty shillings; but, if he was not so inclined, the land and all the money of the deceased parent fell to the use of the king.

Such, it may be presumed, was the nature of thegnage, by which numerous petty Saxon proprietors, in the vicinity of Manchester, had been allowed by De Poictou to retain their estates.

Other ancient, yet lesser, proprietors, who, it may be suspected, held allodial lands, that is, lands free from any feudal obligation, were induced, from motives of policy, to convert them into fiefs, in order to enable them to fulfil the requisition of the state, that every man should have a superior, to be answerable for his conduct. In this case, the allodiarri chose their own lords. During the turbulent times, so fatal to Saxon freedom, which succeeded to the Norman conquest, an additional motive influenced such proprietors to convert their allodial land into fiefs. They had need of protectors, which they immediately obtained, by creating a superior to their lands, either in the person of the lord paramount himself of the Honour of Lancaster, or of some powerful baron of the class of barones comitatûs. This policy was agreeable to the feudal principle, that every superior was under the obligation of securing his free tenant in the undisturbed enjoyment of his infeftment.

In the next place, some of these Saxon proprietors appear, in feudal records, under the name of "drenges;" a designation which has much puzzled antiquaries. Drenges appear to have held manors before the coming in of the Normans, but, at the same time, they held them from such thegns as were of an inferior class, or subordinate to principal or royal thanes, equivalent in later, or Norman times, to the barones comitatûs. Hence, by the term drengage, might have been implied the service which the holder of a fief or manor owed to some lesser thegn, who, on his part, was held in homage by some feudal superior of a more advanced rank. In this feudal sense, a dreng, when compared with Roger de Poictou, the lord paramount, who held all the lands between the Ribble and the Mersey, was a landed proprietor of the last degree of inferiority, subordination, or infeftment.

But this view is, perhaps, the best illustrated by the Dom-Boc itself. The royal thegns of the hundreds of Salford and Leyland did not, after the manner of less privileged or inferior thegns, build the king's hall, or houses, or reap one day in August, or make the bays, or stands in the woods. Their services, during a chivalrous age, were mili-

tary, and, consequently, more noble. Hence, by a parity of reasoning, the obligation of drenges, in feft by these inferior thegns, must have been of a still more servile, or ignoble character.

It has been stated that, at this early Norman period, Manchester was situated in the midst of a number of Saxon thanes and drenges, who either held from the lord of the Honour of Lancaster, (not unfrequently in later times the liege sovereign himself,) or otherwise by subinfeudation, divers small tracts of land. These were to be found in many localities, such as Cheetham, Prestwich, Radcliffe, Pilkington, Middleton, &c., but they more particularly abounded in an angular tract of land, which has acquired its peculiar boundary, or outline, from the sudden bend which the Irwell makes near the ancient ford from which the town of Salford has derived its name. This semi-insulated tract was confined on the north and south by the bent course of the Irwell, and bounded on the west by the dreary waste of Ceadde's Moss, now named Chat Moss. Within this space numerous Saxon thegns and drenges had been allowed to retain their lands who were residing in the neighbourhood of Barton, Eccles, (including Trafford, on the opposite side of the Irwell,) Monton, Worsley, Clifton, Pendlebury, Pendleton, and Salford. Many of these proprietors were described in the later records of the 12th or 13th century, as holding their lands "de antiqua tenura," or, more explicitly, "in thanage," or "in drengage."

#### § 2. THE HONOUR OF LANCASTER REVERTS BY ESCHIEAT TO THE CROWN.

During the course of an ensuing reign, namely, that of Henry the First, Roger de Poictou took part with his brother, Robert, Earl of Belesme, in rebellion against his sovereign. He sustained a defeat, and, having been deprived of his estates, was banished the realm. The lands which he held between the Ribble and the Mersey then reverted to the crown.

#### § 3. THE HONOUR OF LANCASTER IS SAID TO BE TRANSFERRED TO RANULF MESCHINES, THE THIRD EARL OF CHESTER.

After the defection of Roger de Poictou, in the year 1102, nothing is certain regarding the duration of time when the Honour of Lancaster remained with the crown. At some unknown date, in the early part of the reign of Henry the First, the dignity was transferred to Ranulf, or Randolph Meschines, variously named De Bricasard, son of Randolph, Earl of Carlisle, by Margaret, sister of Hugh Lupus, the first Earl of Chester. Ranulf,

in succeeding to his patrimonial earldom in Cumberland, was soon afterwards induced to surrender it to Henry the First, with the view of enabling the monarch to fulfil, with the Scottish king, certain political engagements. As a compensation, therefore, for this sacrifice, he was gifted with the vast possessions and honours of the earldom of Chester, vacant by the death of Richard, son of Hugh Lupus, who had perished in his passage from Normandy to England, leaving no issue. Other concessions were also made to the newly-created Earl of Chester, among which was said to be the Honour of Lancaster, as is demonstrated in a grant to the Abbot of Evesham, which is addressed by Ranulf, "to his constable, dapifer, justiciaries, sheriffs, and bailiffs, that are betwixt Ribble and Mersey."—[A translation of the same is given in Baines' Lancashire, vol. i, p. 118.]

#### § 4. THE CHURCHES OF MANCHESTER DURING THE REIGNS OF WILLIAM THE FIRST AND SECOND.

An acquaintance with the more general history of the church, during these two reigns, is important, as it will be found to bear upon subsequent local events.

Although bishops had a place assigned to them in the council of peers; although the superiority of spiritual interests was proclaimed over such as were temporal, of which principle the Roman see did not neglect to most unduly avail itself, by encroaching with its spiritual courts upon the civil jurisdiction of England, yet some resistance began to be made to the inordinate pretensions of the church; which impatience under ecclesiastical control, was aided by the conflicting claims of two rival pontiffs, Gregory and the anti-pope Guibert. William the First published several orders, which bore severely upon some branches of the papal jurisdiction, as that the royal consent should be necessary to confirm every papal constitution; that no national synod should be summoned by an archbishop, without the sanction of the king; and that no sentence of excommunication, or penance, should be declared against a baron, or officer, belonging to the king's court, without the royal consent.

As for William Rufus, his whole reign was a scourge both to church and state. By possessing the right of investiture, per annulum et baculum, this sovereign had been enabled to keep the benefices of the church in his own hands, and, in some instances, to dispose of them to the highest bidder.

But it is time to confine ourselves to events of a more local interest, regarding which, unfortunately,

little is recorded. In the Conqueror's reign, A.D. 1076, Peter, Bishop of Lichfield, within which diocese Mamecestre was contained, removed his see to Chester, but his successor, Robert de Limesey, transferred it to Coventry, from which, not long afterwards, it returned to Lichfield, yet so, that the remaining bishops were styled of Lichfield and Coventry.

As for the church, or churches, of Manchester, the only record concerning the same bears a reference to the impost of Dane-geld.

In the time of Charlemagne, as we have pointed out, the *mansus ecclesiasticus* was free from all kinds of charges and burdens; while, among the Anglo-Saxons, the estates of the *mass-thane* were exonerated from military and all other services. Thus, in the present instance, the land possessed by the priest, or "Kirkman" of Manchester, named Kirkman's Hulme, was not, in the time of the Saxon monarchs, burdened with any Dane-geld whatever. This imposition, which owed its origin to Danish plunderers, as a compensation for their forbearance, was in the reign of Edward the Confessor remitted. If, therefore, it be recorded in the *Dom-Boc* as a charge to which the glebe of the Kirkman was rendered liable, its revival and perpetuation are due to Norman avidity. "The churches of Saint Mary and Saint Michael," says the *Doomsday survey*, "held in Mamecestre one carucate of land, free from all duties, or rents, except Dane-geld."

### Part Third.

#### ECCELESIASTICAL EVENTS DURING THE BARONIAL SWAY OF THE GRESLETS, LORDS OF MANCHESTER.

In entering upon this portion of our local history it may be premised, that, during the baronial sway of the Greslets, it has been found impracticable to completely separate the ecclesiastical from the feudal state of the lordship of Manchester.

Nor has the difficulty been less to detach the events of Manchester from what took place in the adjoining township of Salford. While, on the one hand, in a civil point of view, Salford held the rank of being the chief site of jurisdiction in the particular wapentake, or Hundred, within which Manchester was included; on the other hand, the church of Manchester administered to the spiritual necessity of both towns equally.

With this explanation, a series of chapters will be devoted to the annals of each successive baron

of the Greslet family, possessing the patronage and influencing the destinies of the church, or churches, of Manchester.

### CHAPTER I.

#### ECCELESIASTICAL EVENTS DURING THE BARONIAL SWAY OF ALBERT GRESLET, LORD OF MANCHESTER.—TEMP. HENR. I.

In the course of this chapter it will be shewn, that while the town and wapentake of Salford were gifted to William Peverel, lord of Nottingham, certain lands forming the whole or part of the lordship of Manchester, were granted to Albert Greslet.

#### § 1. THE TOWN AND WAPENTAKE OF SALFORD GIFTED TO WILLIAM PEVEREL, LORD OF NOTTINGHAM.

Although De Meschines had succeeded to the jurisdiction exercised by Roger de Poitou over the barones comitatûs inheriting lands between the Ribble and Mersey, it is not to be supposed that he was gifted with all the estates, or demesnes, within the Honour of Lancaster, which his predecessor had enjoyed. A great share is said to have been bestowed upon William Peverel, whom some genealogists have regarded as the base son of the Conqueror, while others have affirmed, that his father, Ranulph, had wedded a concubine of William Duke of Normandy, and that the children, in consequence, were allowed to bear the name of Peverel, in common with the actual illegitimate son which this female, previous to her marriage, had borne to the Conqueror.

William Peverel had custody of the castle of Nottingham. In the time of the survey he held numerous lordships in England. In 1102 he succeeded to certain of Roger de Poitou's possessions, among which, as we are assured by Kuerden, who refers to various records examined by him, were the town of West Derby with the wapentach, the borough of Liverpool, the wapentach of Leyland, the town and wapentach of Salford, &c.—[Kuerden, apud Baines, *History of Lancashire*, vol. iii, p. 392.]

By the term "town and wapentake of Salford," nothing more was meant than that William Peverel, along with the lands of the township, held conjointly the jurisdiction of the extensive shire, or Hundred, to which the ford across the Irwell had imparted its name: Wapentachium, nomen jurisdictionis Hundredo analogum, in quibusdam Angliæ comitatibus occurrens; datum, ut nonnulli volunt,

quod homines intra talem circuitum commemorantes, in usu et exercitio armorum temporibus præstitutis instructi essent.

Dr. Bosworth, in corroboration of this view, derives the name of wapentake from "wapen" a weapon, and "tæcan" to teach, conceiving that the inhabitants within such a division of a county were taught the use of arms. The popular or vulgar notion, however, (probably an erroneous one,) of the term "wapentake," is, that it is derived from "touching," or confirming with weapons. The chief rode forward in arms to the place of the wapentake. The elders met him. He alighted from his horse and held up his spear. Whoever with his spear touched that of the lord, was bound to him in one common interest.

§ 2. WILLIAM PEVEREL, LORD OF THE TOWN AND WAPENTAKE OF SALFORD, FOUNDS THE ABBEY OF LENTON, IN NOTTINGHAMSHIRE, WHENCE THE INTRODUCTION OF CLUNIAN MONKS TO THE VICINITY OF SALFORD AND MANCHESTER.

As the Cluniac abbey of Lenton will be frequently adverted to in the course of this history, some little notice of the origin of the Cluniac houses in England may prove useful.

Bernon, the founder of a reformed rule, was of the family of the Earls of Burgundy. He received the first rudiments of a religious life in the monastery of Saint Martin of Autun.

Owing to the invasions of the Normans, and the wars between the sons of Louis le Debonnaire, so great a relaxation had ensued of the regular observance of the monasteries, that the very name of the rule of Saint Benedict became scarcely known. Rodolphus, or Raoul, King of the Transjuran Burgundy, was anxious to restore the discipline of the religious houses, and, with this view, conferred the government of the abbey of Beaume upon Bernon, as an interim charge, until he should have completed the building of the monastery of Gigni, in Burgundy. This monastery was finished in the year 895, where it is supposed the founder took the monastic habit. The blessed Bernon, who was the destined abbot, then received from Pope Formosus the necessary charter of confirmation.

But the system of reform thus commenced, was not completed before the year 912. Odo, or Saint Odillon, the Abbot of Clugni, is generally considered as the restorer of the order of Saint Benedict, having perfected the renowned Cluniac order. The monks wore a black habit, and, in acknowledging the Benedictine rule, were subjected to the

Cluniac modification of discipline. Subsequently, the reformed order became famed throughout the whole of Christendom. William, Earl of Warren, son-in-law to William the Conqueror, then sought to introduce the discipline into England, and, for this purpose, invited over some foreign monks, who, in the year 1077, established their first house at Lewes, in Sussex. The community, thus organized, then became pledged to foreign rule and surveillance, which was exercised over them in the visitations emanating from the Abbot of Clugni.

Early in the reign of Henry the First, supposed to be before the year 1108, William Peverel, lord of Nottingham, followed the example of William, Earl of Warren, by building the priory of Lenton, in Nottinghamshire, which he gave to God and the church of Clugni, and to Pontius, the abbot there, and his successors; yet, so that it should be free in paying a mark of silver yearly as an acknowledgment. He also endowed this monastery with the town of Lenton and its appurtenances, &c., &c., granting whatsoever his homagers should bestow upon it for the benefit of their souls.—[Dugdale's Monasticon, ed. 1825, vol. v, p. iii, preface, where the various authorities for this abridged account are cited.]

Such was the foundation of the Cluniac priory of Lenton by William Peverel, lord of Nottingham, who, it must now be remembered, had added to his immense possessions a later gift of lands between the Ribble and the Mersey, by which he became lord of the town and wapentake of Salford. This circumstance may have contributed to the introduction of Cluniac monks from Lenton to the immediate neighbourhood of Salford and Manchester, as will be further shewn, when we have to notice the lands given to a religious cell at Kershal. But, in the mean time, certain rude ecclesiastical remains present such incontestible evidence of having been an oratory attached to some cell or hermitage, as to afford strong ground for suspicion, that previous to the residence of Cluniac monks in Kershal, they had obtained, under the auspices of their great patron, William Peverel, a settlement at Ordeshal, close to the town of Salford itself.

It has been already stated, that there once existed a causeway across the river Irwell, styled Woden's ford, which derived its name from a contiguous Saxon temple dedicated to the rites of Odin, and thence designated "Woden's Den." The subsequent conversion of this pagan cave into a Christian oratory, is evident by the rude figures of shields, crosses, and various ecclesiastical ornaments which were rudely carved on the face of the rock. But why this particular site was selected

and consecrated for the sphere of monastic usefulness, is not so evident. It will be the object, therefore, of an ensuing attempt at explanation to point out, that as the river Irwell was liable to great and sudden inundations, the care of its difficult and hazardous fords might have been undertaken, as an office of pious mercy, by holy men selected from the Cluniac priory of Lenton, under the encouragement of their great patron, William Peverel, lord of the town and wapentake of Salford.

§ 3. WODEN'S CAVE, AT ORDESHAL, SUPPOSED TO HAVE BEEN CONVERTED INTO A CHRISTIAN ORATORY BY CERTAIN CLUNIAN MONKS OF LENTON.

The Saxon etymology of Ordeshal may not, perhaps, be difficult. ORD, in composition, means "primeval," or "very old;" and HAL, "a hole," or "den."—[Bosworth's Anglo-Saxon Dictionary.] The term Ordeshal may, therefore, be rendered "the very old den, or hole."

Of this cave, the following account has been given by the late Mr. Thomas Barrett, who, about sixty years ago, took a drawing of it when it was in a state of tolerable integrity. "In the lane leading to Ordsall Hall, once a seat of the Radcliffs, and in the lane leading to that ancient mansion on the right hand, almost facing Hulme Hall, are the mouldering remains of a rocky cell, which may, perhaps, be worth the notice of a curious age, and more so if we could trace out the perfect knowledge of its use. In an old writing in the possession of [Dauntsey Hulme, Esq.,] which describes the boundary of a certain portion of land thereabouts, it says, 'by Worden's ford and Worden's den.'

"Worden's or Woden's ford is a paved causeway across the river Irwell from Hulme-field, where Medlock loses itself in the aforesaid river, to the opposite bank, but now lost to every observer since Irwell was made navigable.

"Worden's den is the spot I wish to throw light upon, although obscured by the darkness, perhaps, of many ages. Tradition supposes it to have been the den or woody habitation of the priest or priests of Woden, the much esteemed war deity of the idol Saxons." \* \* \*

"What might be the extent, or bounds, of this supposed idol temple, or place of sacrifices, we know not; but certainly it was once of a much larger extent. What remains of its height is now about six feet, and the length of the whole, as it now appears, [is] about twenty-two yards.

"At the south, and near the great tree, as may be seen by referring to the drawing, is a hole about three feet wide, much resembling an oven, and

near the middle is another excavation, not so deep in the rock as the former, at the northern extremity.

"The margin of the rock, just above the surface of the earth, is ornamented with a sort of irregular gothic tracery, and gently curves into a cavity of above double the size of the [aforesaid] recesses.

"The range of rock is all along shaded with overhanging bushes, which much obscure the same from the notice of passengers.

"Admitting the above to have been a devoted place for pagan superstition in the Saxon times, it again presents itself under the character of a place dedicated to the retirement and devotion of a professor of Christianity. On one part of the rock much labour hath been bestowed in ornamenting it with rude characters, which have been called Runic, but which plainly appear, upon close examination, to have the letters J. H. S., the latin initials of Jesus the Saviour of men, in rude church text. The above letters shew themselves in three or four places, and, in one part, the letters appear about three feet long a-piece.

"Some few shields ornamented with crosses may be seen in different places wrought upon the rock. Near the south end are the faint remains of a shield, with the like of a sword handle near it.

"At what period of time a change of worship happened here I cannot say, but many places devoted to heathen worship were afterwards dedicated to Christianity." \* \* \*

"There is a portion of ground lying near Worden's den called Oldfield,—but in old writings of several centuries back, which I have seen, it is there called Houldfield, which plainly imports a place of strength." \* \* \*

This extract, from the late Mr. Barrett's manuscripts, includes the whole of the actual description of the site, but omits some of the speculations which are interspersed in the account.

About forty years ago, before the cave had been destroyed by a former tenant (with the view of saving a contemptible slip of ground from antiquarian trespasses), I was enabled to confirm the accuracy of Mr. Barrett's account, with the exception of the letters J. H. S. It was from these fanciful characters that the writer assigned to the cave a later date, by three or four centuries, than that which is now supposed. But even granting that the letters J. H. S. did actually exist (which, I am convinced, did not), no Christian temple, however old it might have been, was exempt from innovations of a much later date than that of its origin.

On the supposition, then, that the conversion



of Woden's den into a Christian temple bears a reference to the first settlement of a few Cluniac monks in the immediate vicinity of Salford and Manchester, most probably invited over by William Peverel, the next question relates to the particular motive which could have arisen for selecting this site as one that recommended itself for the purpose of an oratory, attached to a Christian cell, or hermitage.

This question cannot be answered without reverting to a period even anterior to Christianity. It will be necessary to inquire,—why the pagan Saxons themselves thought fit to propitiate their deity by the excavation of a den, which invited offerings or sacrifices preparatory to crossing the ford of the river Irwell?

Now it must be kept in view,—that the Irwell is subject to floods, which, often with an almost incredible activity, have been known to rise in a single night to the height of sixteen feet above the average level of the waters, and, occasionally, to attain no less than twenty-four feet. Whenever this rise has occurred, a large compass of low ground has been overflowed to an extent varying, in each direction, from five to ten miles within a space north-west of which the Irwell makes a great bend, and of which the site of Stretford is vaguely the centre. This tract may be generally described as extending from the higher grounds of Manchester, Gorton, and Denton, on the north-east, to the stream of the Mersey on the south, as it flows from Northenden, in a westerly direction, to the point, near Cadishead, where it receives the tributary waters of the Irwell. Through this intervening space numerous small streams, such, for instance, as the Gorebrook, slowly meander, rendering it, even in summer, a tract of swampy meadow or mossy soil, such as is still shewn at Trafford Moss and Hoozend, the geological character of which has been nowhere so well described as by a humble and anonymous minstrel of the reign of James the First:

From Winchester he's gone with speed,  
Well mounted on his stately steed,  
Until at length to the HOOZEN'D he came.

Then did he ride through a cloudy desert wild,  
Frequented by no man or child,  
Where stately trees have lain since Noah's flood,  
Firwood and oak there to be found,  
All in that deluge, there renown'd,  
Deep buried there within that trembling mud.

FROM THE ANCIENT BALLAD OF TARQUIN.

But it is not to be supposed that this dreary waste was entirely devoid of fertility. Verdant spots of pasture land occasionally appeared, which were more or less surrounded by sluggish streams,

or waters, whence they acquired the name of Holmes, or Hulmes,—a term expressive among the Saxons and Danes of sea, or river islands, or of green insulated plots of ground just rising above the waters. Among these was THE HULME, partly formed by the Medlock, the name of which is imparted to a populous suburb of Manchester. There was also Rushulme, Kirkmanshulme, Levenshulme, or Davyhulme, with many others. The tract thus diversified by green patches of drier land, must, in a flooded state, have often bid defiance to the Roman or Saxon engineer in the construction of river paths, or causeways. Of the fords near Manchester, used in the earlier times, was Stratford, or "the Street Ford," across the Irwell, the pass of which was deemed so important as to give rise to a station, named, in the Roman itineraries, "Fines Maxime et Flavie." Another ford was the "Woden's Ford," of Ordsal; while a third was "Salford," or the safe ford.

By thus keeping in view the ancient inundated state of the tract described, and the hazardous character of the fords over the Irwell and Mersey, during even a moderate rise of the rivers, it is easy to suppose that in the time of Odinism, the cave at Ordsal would invite sacrifices to the Saxon god previous to attempting the swollen ford of the Irwell, named Woden's ford, which, on such occasions, must have been breadthened out to an extraordinary extent.

At a later period, although paganism gave way to the exhortations of the holy Paulinus, it is well known that many superstitions continued unconquerable, among which was the influence ascribed to Odin, in shielding the wayfaring traveller while encountering the perilous "accidents of flood and field." The eradication of such a faith became the office of pious and active monks, as, for instance, those whom William Peverel, lord of Nottingham, the great benefactor of the Cluniac rule, is supposed to have selected and brought over with him from the abbey of Lenton to the vicinity of Salford. Holy men of this order would convert the den of Woden into an oratory, in order that tokens or professions, made to the god of the Anglo-Saxons, might be exchanged for prayers and oblations to Christian saints. They would, also, undertake the charge of furnishing escorts; or would even themselves act as guides across the deceitful marshes formed of "trembling mud," which, not earlier than three centuries ago, suggested to the imagination of the minstrel "a cloudy desert wild," through which the Lancelot du Lac of Manchester legends, is made to wander in quest of the giant Tarquin.

§ 4. THE WHOLE OR PART OF THE BARONY OF MANCHESTER GIFTED TO ALBERT GRESLET.

Having described various events which are supposed to have taken place at unknown dates, soon after the latest defection of De Poitou, it may be lastly observed, that a large tract of country was conceded to Albert Greslet, forming the whole or part of the barony of Manchester.

Genealogists are at variance regarding the pedigree of Greslet, Grelle, Grelley, or Gresley, &c.

By some writers the race is derived from Nigel, the younger of the two sons of Roger de Toeny, standard bearer of Normandy, who was descended from Malahulcius, uncle to Rollo, Duke of Normandy. Nigel is acknowledged to have been the direct ancestor of the family of Gresley, in Derbyshire.—[See the authorities quoted in Mr. Whatton's *Memoir on the family of Grelley*, published in the *Philosophical Transactions of Manchester*.]

Others connect the family with the Greilys of the county of Gex, near Geneva, from whom was descended Gaston de Foix, created Earl of Longueville by Henry the Fifth, and John de Foix, who, in a succeeding reign, was Earl of Kendal and lord of Greilly, &c.—[*Peerage of England*, A.D. 1711, vol ii, part ii, p. 168.]

The question of origin still remains in the most unsatisfactory state.

Albert Greslet, supposed by Kuerden to have been the first baron, or lord of Manchester, was a favourite of Roger de Poitou, who, when the *Dom-Boc* was in the process of being compiled, received grants from him in the counties of Norfolk, Lincoln, and Nottingham. About the year 1086, he held, conjointly with Roger de Busli, lands in the hundred of Blackburn, between the Ribble and Mersey, though for a limited term only, namely, for three years. These lands were exempt from all rent.

It is highly probable that, if Albert Greslet cannot be proved to have ever had anything more than a transitory interest in the Blackburn district, he held for a permanent grant a contiguous lordship on the Amounderness side of that part of the Ribble which bounded the north of the Hundred, namely, Brockholes; this grant having ever been deemed of so remote a date in the Norman era, as to precede any written record.

Upon the defection of Roger de Poitou, the Hundred of Blackburn became consigned to Ilbert de Lacy, lord of the Honour of Pontefract. At the same time, Busli and Greslet had confirmed upon them new and important fiefs. While Busli became the baron of Penwortham, Albert Greslet's possessions must be looked for in the Hundreds of Leyland and Salford conjointly.

But here let us pause.—The extent of Albert Greslet's original territorial acquisitions between the Ribble and the Mersey is most imperfectly handed down to us. It is probable, and nothing more, that, in an early part of the reign of Henry the First, he possessed, in addition to Brockholes in Amounderness, certain lands in Leyland, and in a wide circle of territory within Salford Hundred, of which Horwich Moor was the centre. During a later period of baronial history, these allotments of territory constituted what was named "the Upper Bailiwick" of the lordship of Manchester. Whether Albert Greslet's possessions extended to the manor itself, or lower bailiwick of Manchester, has been affirmed by some writers, and denied by others. For this reason, the details of the baronial territory, under the sway of the Greslets, may be more safely transferred to the less dubious period of Albert's heir and successor.

§ 5. THE PARISH WITHIN WHICH MANCHESTER WAS SITUATED.

At this particular period we are as little acquainted with the state and extent of the parochial, as of the manorial lands encompassing the town of Manchester. Ecclesiastical boundaries were undefined for this reason, that the proselyting system, whereby the lands between the Ribble and the Mersey were in the course of being parochialised, wanted much of its completion. The only mode of propagating Christian truths was by a system of missions concerted within the precincts of an episcopal see, in which even the bishops themselves took an active share, by the annual ambulatory visits which they paid to every group of householders.

The first indication of a change of system arose from the inability of bishops to attend to all the ministrations of religion, and hence, as Bede has remarked of Northumbria, the appointment of assistant presbyters and teachers, and the encouragement given to building churches at a distance from the site of the cathedral. Churches then became adapted not for ambulatory, but for resident priests. Yet still, as authors have remarked, these were so few in number as to give their names to the localities where they were to be found. Thus, in the circuit round Manchester, there arose Eccles, from "ecclesia," the church, to which tradition has assigned a date previous to the Conquest; and Prestwich, the priest's "wic," or town.

After rural churches had thus sprung up, the subdivisions of territory, to which we give the name of parishes, began to be formed. But

nothing can be more vague and uncertain than the multifarious causes which originally determined parochial limits. In the case of Manchester, the original parish, as Whittaker supposed, had most probably been commensurate with the extent of the thegnland. In other instances, the compass of the parish was determined by the district throughout which the priest received the confession of his flock, whence the Anglo term *scrift-acir*, or the share [district] of the confessor, and *preost-acyre*, or the priest's share. In a more general sense, the term parish (little used before the end of the twelfth century,) implied the territory which was subject to any ecclesiastical superintendence whatever, and in this meaning it was even synonymous with a diocese. The distinction was only made when a division of parishes had actually taken place. Episcopal visitations were then parochially undertaken.

#### § 6. THE DIOCESE WITHIN WHICH MANCHESTER WAS CONTAINED.

At the end of the eleventh century, an order had been promulgated in England for all bishops to remove to the greatest cities in their respective dioceses; and as Lichfield, the original seat of the Bishop of Mercia, was a place of little or no civic importance, one of the bishops, as I have shewn, had removed his see to Chester, (the ancient *castrum* of the Twentieth Roman Legion,) and was then styled Bishop of Chester. But the site of this ancient city not having been sufficiently central for the functions of episcopacy, the see had been subsequently transferred to Coventry.

In the time of Henry the First, however, the see was brought back to Lichfield, which became the capital of three sees, namely, Lichfield, Coventry, and Chester, but, in reality, of one bishopric only, to wit, of Lichfield and Coventry, within which Manchester was comprehended.

## CHAPTER II.

### EVENTS DURING THE BARONIAL SWAY OF ROBERT GRESLET, THE SECOND LORD OF THAT NAME.—TEMP. HENR. I., ENDING A.D. 1135.

The date is perfectly unknown when Albert Greslet died, and, consequently, when Robert, his son and heir, succeeded, as second baron, to the honours and estates of his father.

In the same degree of uncertainty is involved the period during which the lordship of Manchester was held immediately from the crown. In the reign of Henry the First, the Honour of Lancaster, formerly enjoyed by Roger de Poitou,

to whom the barones comitatús owed fealty, no longer appears in the family of the Earl of Chester, but is said to have been gifted to Stephen de Blois, Earl of Mortaigne and Bolloigne [*Comes Boloniæ et Moritonæ*], before he became king.

#### § 1. EXTENT OF ROBERT GRESLET'S BARONY.

However uncertain might have been the proof that the possessions of Albert Greslet extended from Leyland Hundred to the district of Manchester, the doubt does not apply to Robert Greslet, the son. He is recorded, from ancient documents cited by Keurden, to have given to Matthew Stauersides a knight's fee within his manor of Manchester.

The limits of Robert Greslet's lordship may now be stated.

It has been explained that Albert Greslet, the father, had a temporary tenure of lands from Roger de Poitou, which he afterwards surrendered for durable infeftments in Leyland Hundred, and elsewhere. But it would appear that Robert Greslet, the son, possessed for a permanent grant Brockholes in Amounderness, situated on the banks of the Ribble, opposite to Blackburnshire.

In the north of Leyland Hundred the Greslets enjoyed a detached fief, Burnhill, or Brindhill, so named, most probably, from having been the site of an ancient beacon station. In the south of Leylandshire, the acquisitions of the family may be enumerated as follows: *Walsewythull*, *Duxbury*, *Charnock-Gogard*, *Worthington*, *Cop-pull*, *Adelventon* (or *Adlington*), *Shevington*, and a knight's fee in *Dalton*, *Wrightington*, and *Parbold*.—[From Kenion's MSS].

In the next place, either Robert Greslet, or his father, added to his lands, in Leyland, an extensive hunting ground in the adjoining hundred of Salford, which stretched in a southerly direction from the high grounds in the neighbourhood of *Angle-zack* and *Sharplea*, where they border upon *Blackburn Hundred*, to the vicinity of *West Houghton*, *Kersley*, *Middle Wood* in *Hulton*, and *Farnworth*, a distance of ten miles; while the breadth of this ground, of which *Horwich Moor* was the centre, varied from six to eight miles.

The tract of land thus acquired by the Greslets, forming the north-westerly district of the hundred of Salford, included, as we trace the territory from north to south, *Anglerark*, *Sharplea*, *Longwith*, *Rivington*, *Turton*, *Smithel*, *Halliwell*, *Harwood*, *Little Lever*, *Bradshaw*, *Horwich*, *Heton*, *Lostock*, *Rumworth*, *Pilkington*, *Dean*, *Aspull*, *West Houghton*, *Hulton*, and *Farnworth*.

Much of this last described acquisition was dedicated to the chase, and must, therefore, have been particularly acceptable to the taste of the Norman adventurers. Among these semi-barbarians, to use the language of Guizot, there was no industrial activity. Gaming, banquets, and coursing, constituted the chief occupations of feudal life. Hence the value placed upon the jurisdiction of forests, the right of hunting, or the absolute possession of hunting ground.

The baronial lands, thus cited, acquired, at a subsequent period, the name of the upper bailiwick of Manchester.

To the south-east lay the lower bailiwick, of which the town of Manchester was the centre. With the upper bailiwick it appears to have had very little natural connexion; a narrow junction of the two bailiwicks being with difficulty traceable in the neighbourhood of Little Houghton, or Worsley, owing to the intervention of many distinct, yet small proprietorships held by the ancient tenure of thanage, or drengage. Consequently, when Robert Greslet, or his father, was allowed to add to his Lancashire acquisitions the lower bailiwick of Manchester, he must have possessed, in the latter appendage, a tract of country the limits of which would be in an extreme degree irregular.

The boundary of the lower bailiwick of Manchester is best followed by commencing at Alport, or the old town of Manchester, near the confluence of the Irwell and the Medlock. From this point the line seems to have been carried on to Strangeways. Thence, in quitting the Irwell, it extended eastward, in a desultory or zig-zag manner, towards Blackley, Alkington, and thence, south-east, to Ashton-under-Lyne. In reaching this last point, the boundary then followed the course of the Tame as far as the confluence of this river with the Mersey, near Heaton Norris. Subsequently, the line was conducted west along the course of the Mersey, by Didsbury and Urmston, until it reached the confluence of the Mersey and Irwell, near Cadishead; and thence, north-east, by the Irwell, until it regained Alport and Manchester.

The space thus enclosed, which formed a most irregular tract, would vary from four to even sixteen miles in extent.

## § 2. THE MILL OF MANCHESTER IS GIFTED TO THE ABBEY OF SWINESHEAD, IN LINCOLNSHIRE.

It is doubtful if Robert Greslet ever resided at Manchester. From his partiality to the Lincolnshire possessions which had been confirmed to him by his sovereign, he gave, in aid of support

to the abbey of Swineshead, his mill at Manchester. The date of this grant is recorded at 1131, the 31st of Henry the First. In the annals of Peterborough and Parco Lude, Swineshead Abbey (coenobium Bernardinorum) is said to have been founded by Robert de Greslei, in 1134.

## § 3. DEATH OF ROBERT GRESLET.

The demise of this baron took place at the close of the reign of Henry the First, about 1135. He is supposed to have been interred within the walls of the monastery which he founded at Swineshead, in Lincolnshire.

## CHAPTER III.

### EVENTS DURING THE BARONIAL SWAY OF ALBERT GRESLET [SENEX], THE THIRD LORD OF THAT NAME.

Before entering upon the events of this period, some brief notice may be acceptable of the general state of the English church, with the view of better comprehending the events of our local history.

In the reign of Henry the First, controversies had arisen from the different views which had been entertained of the respective limits of the ecclesiastical and civil functions, but more particularly as they were concerned with the appointment of bishops. This election, which, in a primitive state of the church, had been consigned to the clergy and the people, was now interfered with by royalty, while the revenues of the church were disposed of to the advantage of the crown. In another dispute, however, the church was more successful. The pope, as chief pastor, claimed the privilege of visiting by his legates the several churches of Christendom, to which Henry replied, that the right so claimed was a prescriptive privilege, which in England could not be exercised except through the medium of her own metropolitan. But as the king professed himself in other respects disposed to acknowledge the legatine surveillance, the pontiff conceived that enough had been done to vindicate the prerogative of his chair; and, therefore, in order to meet the exigency of the case, he conferred the legatine authority upon the Archbishop of Canterbury. Henry, in acknowledgment of this concession, directed that the church should be declared free, and that its lands should neither be sold nor be placed at farm.

Such was the general state of the church previous to that period of our local history, when Albert, the third Baron Greslet, became lord of Manchester.

Albert was distinguished from his son of the same name by the addition of SENEX. He appears to have succeeded to his father, Robert Greslet, either at the very close of the reign of Henry the First, or at the commencement of that of Stephen.

§ 1. ALBERT GRESLET [SENEX], BY HIS MARRIAGE WITH A DAUGHTER OF WILLIAM FITZ-NIGEL, CONSTABLE OF CHESTER, OBTAINS CERTAIN MANORS IN THE LORDSHIP OF WIDNESS.

It was in the time of Albert Greslet [Senex] that the Greslet family are reported to have possessed manors in the lordship of Widness, situated in the south of the West Derby Hundred. This lordship is supposed to have originally proceeded out of the Honour of Roger de Montgomeri, father of Pictavensis. A daughter of Roger de Poitou married Nigel, who became the first baron of Halton and Wydnass. His son, William Fitz-Nigel, who was constable of Cheshire in 1086, and died before 1133, left behind him two coheiresses, Agnes and Matilda [or Maud]. Agnes became the wife of Albert Greslet, while Matilda was married to Eustace, son of John de Burgo [Monoculus]. Eventually, the son of Eustachius de Burgo, Richard Fitz-Eustace (the progenitor of the Lacy family), shared with Albert Greslet certain estates, being part of the barony of Widness, in the West Derby Hundred. Albert Greslet's portion, with which alone this history is concerned, comprised Raynford (?), Childwal, Cuerdley, Allerton, Garston, and Hale.

This addition of property, in or near Widness, formed, at a subsequent period, part of the upper bailiwick of the lordship of Manchester.

The influence of the family of Greslet in Lancashire had, at length, attained its culminating point. Their possessions might be traced from Amounderness, Leyland, and Widness, to the most southerly part of the wapentake of Salford. From this time, owing to the drains of money and men required for the support of expensive wars, much of the land began to be subfeudalised, and, eventually, to pass into other hands, subject also to the establishment by Henry the First of the right of heirs, who were not to redeem their lands, as had been previously done, but only to pay their proper relief.

§ 2. THE CHURCHES OF MANCHESTER ARE RELIEVED FROM THE DANE-GELD.

Stephen, the son of the Earl of Bloys, by Alicia, daughter of the Conqueror, had, by base intrigues, obtained possession of the crown to

the prejudice of the daughter of Henry's first marriage, the Empress Maud, so named from her first husband, the Emperor Henry the Fourth. As it was found necessary, therefore, to conciliate the clergy and the nobles to this usurpation, Stephen undertook by an oath, approved of by Pope Innocent, that he would preserve the liberties and properties of the church inviolate. But his oath was soon forgotten. He seized at pleasure upon the ecclesiastical revenues of the church, bestowed them upon laymen, or sold them to strangers, and even imprisoned bishops until they had consented to surrender their lands.

One concession, however, wrested from Stephen during his difficulties, remained permanent. During the Saxon period, the churches had been free from the imposition of the Dane-geld—it was declared, in the middle of the tenth century, that "no man was to presume to lay any tax on the possessions of the clergy, and that the sons of God ought to be free from all taxes." But William the Conqueror had revived the odious tax of Dane-geld, which had been levied upon all lands of the realm, not even excepting the glebes of churches. "*Ecclesia Sanctæ Mariæ et ecclesia Sancti Michaelis tenebant in Mamecestre unam carucatam terræ quietam ab omni consuetudine præter geldum.*"

Stephen, however, to the joy of his subjects, for ever remitted this tax collected by his predecessors, which had amounted to two shillings for every hide of land.

§ 3. THE TOWN AND WAPENTAKE OF SALFORD ARE TRANSFERRED FROM THE POSSESSION OF WILLIAM PEVEREL TO THAT OF RANULPH GERNONIIS, THE FOURTH EARL OF CHESTER.

During the protracted and just claim which Maud the empress set up for the throne of England, William Peverel, lord of Nottingham, joined the army of Stephen, and, at the Battle of the Standard, greatly distinguished himself against the King of the Scots.

From this time, infinite was the distraction in the civil affairs of England, from which no county was free. Everywhere adulterine castles, as they were named when founded without the authority of the crown, sprang up, while lands were transferred from one contending party to another in so confused a manner, that it is difficult, if not impossible, to trace correctly the sequence of infestments. Between the Ribble and the Mersey, the possessions which had been conceded in a former reign to William Peverel, lord of Nottingham, were the most strenuously disputed by Ranulph [Gernoniis], the fourth Earl of Chester, whose

father, Ranulph Meschines, had, in a former reign, been gifted with much property in Lancashire, among which was the town and wapentake of Salford. During the long struggle of Stephen with his barons, in the course of which William Peverel, as well as his sovereign, fell into the hands of the earl of Chester, the Lancashire estates possessed by the illegitimate son of the Conqueror changed hands, and were seized upon by the successful besieger of Lincoln, where the royal standard had been planted.

William Peverell, who lived until the 7th of Stephen, was succeeded by his son William Peverel, the younger.

§ 3. (a) THE CONFIRMATION BY WILLIAM PEVEREL, THE YOUNGER, OF HIS FATHER'S GIFT OF LANDS TO THE CLUNIAN MONKS OF LENTON.

Before describing this event in connexion with the origin of the cell of Kershall, some brief explanation may, with propriety, be given of the genealogy of the Peverel family, whose ancient possessions in Lancashire meet with little or no record among Lancashire historians,—the brief notices of Keurden comprising what little we know of this part of our local history.

A great confusion prevails among most genealogists regarding the families of the two Peverels of the Domesday Book, Ranulph and William Peverel,—in which confusion the account given in page 9, in some degree partakes. But, by the aid of the researches of Mr. Ellis, in his "Introduction to the Domesday Book," vol. ii, p. 466-7, I have been since enabled to arrive at a little more precision.

It would appear, that before the conquest of England, the daughter of Ingelric (which Ingelric was the founder of the college church of Saint Martin le Grand, London,) had been the concubine of William, Duke of Normandy. The issue of this connexion was an illegitimate son, William Peverel, who lived until the 7th of Stephen. He was in great trust with the Conqueror;—he had the castle of Nottingham;—he possessed lands in Berkshire, Bucks, Oxford, Bedford, Northampton, Leicestershire, Derbyshire, and Nottinghamshire, —and he founded the priories of Saint James, near Northampton, and of Lenton, to which the cell of Kershall, near Manchester, was afterwards annexed. That he possessed lands in Lancashire, of which there can be no doubt whatever, is given on the authority of Keurden. The Messrs. Lyson remark that the lands of William Peverel passed out of the family at a very early period.—Hence the

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very little information handed down to us of the possessions which he enjoyed in Lancashire, particularly in the Salford Hundred.

In page 9, this William Peverel is surmised, on the authority of the older genealogists, to have been a son of Ranulph Peverel. But this is a mistake. Ranulph Peverel was the husband whom the concubine of the Conqueror afterwards married, —the name of Peverel being also given to the illegitimate son of William the First, from whom several families, likewise of the name of Peverel, descended. About, or soon after the time of the survey, Ranulph Peverel held lordships in Berks, Oxford, Salop, Norfolk, Suffolk, and Essex.

William Peverell, who died in the 7th of Stephen, had a son of his own name, who was distinguished from the father under the name of William Peverel, the younger.

We are informed that King Stephen being at Nottingham, at the earnest entreaty of William Peverell, the younger, supported by that of Oddina, his wife, and of Henry, his son, confirmed what William Peverell, the father, or William himself, or any other benefactors had done to the Clunian monks of the priory of Lenton, and to the church of the Holy Trinity, also in Lenton.—[A reference is made to the "Guichenoni bibl. Segusiana Lugd. 1660, 4to., p. 442, ex cartulario antiquarum ecclesiarum Cluniacensium."]

§ 3. (b) HUGO DE BURUN GRANTS LANDS TO THE PRIORY OF LENTON, AND AFTERWARDS BECOMES A MONK OF KERSALL, NEAR MANCHESTER.

In the 9th of Stephen, Hugh de Burun was lord of the castle of Horseton, in the county of Derby. He was the son either of Erneis de Burun, who had large estates in Yorkshire, or of Ralph de Burun, who held lands in the counties of Derby and Nottingham;—probably of the latter.

The same Hugo de Burun had two sons, Hugh and Roger, who, in succession, possessed by heirship the lands of their father, and, with their united consent, he gave the church of Horsey, in Derbyshire, and Cotegrave, in the same county, along with other possessions, to the prior of Lenton.

The pious gift of Hugo de Burun was doubtless in anticipation of his taking religious vows, and becoming a Clunian monk of Lenton. Eventually, however, as appears from a later charter hereafter to be cited, he retired, at some unknown date, to a sequestered valley about three miles north of Manchester, on the banks of the river Irwell, which bore the name of Kershall, becoming the first

monk of a Cluniac cell which owed its foundation to Ranulph Gernons.

It has been surmised that Hugo de Burun himself gave lands in the neighbourhood of Kersall to the monastery of Lenton. But there is no evidence to be adduced in support of such an assertion. The original possessors of lands in that locality appear to have been the Peverels, father and son, and the Hulton family. Most probably Hugo de Burun had obtained the permission of some landed possessor to seat himself at Kersal, as a solitary recluse; and when, by a charter of foundation granted to the Cluniac cell of Kersal, this hermitage became an appendage to the priory of Lenton, Hugo de Burun, its first monk, would be joined by other brethren, over whom he would preside, to a number not exceeding twelve. But it must be observed, that with the circumstances inducing Hugo de Burun to become the first monk of Kersal, or even with the exact date of his retiring to this secluded spot, we have no information whatever.

§ 3. (c) CONJECTURES ON THE REASON WHY ALL TRACES OF THE HISTORY OF THE CAVE OF ORDESHAL ARE LOST.

I have surmised that the cave of Ordeshal, originally dedicated to Odinism, was converted into a Christian chapel by a few monks of Clugni, brought over from Lenton by William Peverel, the great benefactor of that monastery. That Hugo de Burun, the first recluse of Kershall, was of their fraternity has been likewise explained. It is highly probable, therefore, that after the cell of Kershall was brought into repute by the admission within it of so influential a character and patroniser of the rules of Clugni as Hugo de Burun, the chapel of Ordeshall would fall into proportional neglect. And hence the reason why the history of this Christianised cave would be lost amidst the gloom of a remote antiquity,—such as obscures the annals of Lancashire as far down as the close of the reign of Stephen, or even later, to the time of Henry the Third.

No traces whatever of this ancient cave are now to be detected. At the commencement of the present century the whole of the carvings upon the face of the rock were obliterated, in order to obviate antiquarian trespasses. It would not be easy to find at the present day many instances of such gothic profanations. The obliterator was a Manchester dyer of the name of Hall, and, if a bad pun be allowable,

— Take him for Hall in Hall,  
We shall not look upon his like again.

Latterly, the destruction of the Ordeshal cave has been completed during railway excavations and fillings up, previously to which my son, Mr. Hibbert Ware, of the Middle

Temple, made a drawing of the cave as it absolutely subsisted, and faithfully transferred to the same the various configurations and hollowings as delineated by the late Mr. Barrett in a sketch remarkable for its bad perspective. In this task I lent some little assistance, owing to the very vivid recollection which I still possess of the cave in its former state of integrity. It happened that before the cave was filled up by earth, my antiquarian friend, Captain Jones, of the Royal Lancashire Militia, took the dimensions of the site, which differ so widely from those given by Mr. Barrett, or which fall within my own recollection, as to shew that much of it must have been long since obliterated. Captain Jones describes the length as 27ft. 5in. which Barrett gives as 66ft. He also notices an entrance of 2ft. 11in. broad, on the east of the cave; a recess of 2ft. broad on the north-east angle, and another on the north-west angle 2ft. broad, by 3ft. 7in. long.

In concluding this graphic description of the cave, I would notice an error into which I had fallen in a preceding page (11) of this work:

On the top line of the second column, page 11, the paragraph ought to have ended at the word *excavation*. A new paragraph would then have proceeded as follows:

*Not so deep in the rock as the former [hole], at the northern extremity, the margin of the rock is ornamented with a sort of irregular gothic tracery,*

§ 3. (d) HISTORICAL ACCOUNT OF RANULPH GERMONS, THE FOURTH EARL OF CHESTER.

The Greslets meet with little or no commemoration during this stirring period. It might have been stated, that Robert, the father of Albert Greslet (Senex) had left behind him another, and doubtless a younger son, Osbert.—[Vide “Magnum Rotuli Scaccarii,” &c. of the 31st of Henry the First, edited by the learned Mr. Joseph Hunter.] But in this uncertain state of the genealogy of the Greslets, it is grateful to dwell upon names far more renowned in Lancashire annals.

After having explained the disputed portion of the Peverel genealogy, I adverted to the confirmation by William Peverel, the younger, of his father's gift of lands to the Cluniac monks of Lenton, as well as to other donations by Hugo de Burun, who became the first monk of the cell of Kershal, near Manchester. This led me to offer some conjecture on the cause why the history of the Christian cave of Ordeshal should have been lost.

A remaining object of this portion of the history will be devoted to some little historical account of Ranulph Gernons, the fourth earl of Chester, who, after having succeeded to the forfeited possessions of William Peverel, the younger, endowed and founded the cell of Kersal, first occupied by Hugh de Burun.

It has been observed (page 16), that the lands conceded in a former reign to William Peverel, the younger, Lord of Nottingham, were the most strenuously disputed by Ranulph Gernons, whose







WODEN'S CAVE AT ORDSHAL, AS IT EXISTED IN THE LAST CENTURY.

father, Ranulph Meschines, had, in the late reign, been gifted with much property in Lancashire. In the 29th of Henry the First, A.D. 1129, Ranulph succeeded to his father, having been named, by way of distinction, Ranulph de Gernons, from his birth-place, Gernon, a castle in Normandy. His opposition to the king, "de facto," arose from two motives; first, from the loss of his patrimonial earldom of Cumberland, which Stephen had given to Henry, Earl of Northumberland, son of the king of the Scots; and, secondly, from his alliance with Maud, daughter of Robert, Earl of Gloucester, the base brother of Maud the empress, who was collecting aids in favour of her claim.

Ranulph Gernons was a brave, yet subtle warrior. In the year 1141 (6th Stephen), he surprised the city of Lincoln and manned it for the empress. Afterwards, he and his father-in-law, the Earl of Gloucester, took the king prisoner at the battle of Lincoln, along with many other nobles, among whom was William Peverel, lord of Nottingham.

Three years later, Ranulph Gernons obstructed the attempts of Stephen to build a fort against Lincoln Castle. But, subsequently, at the siege of Wallingford, we find the same insidious earl fighting on the side of the king, yet so much mistrusted, that he was imprisoned until he gave hostages and rendered an oath of obedience. Yet he again rebelled, and was repulsed at Lincoln as well as at Coventry. At a later period he came to an agreement with Henry, Duke of Normandy, and David, King of Scotland, to invade the English king, but failed in his engagement. Soon afterwards he was apprehended by Stephen, and not allowed his liberty until he had yielded up Lincoln and all his strongholds, and given up Gilbert de Clare, Earl of Gloucester, his nephew, for an hostage. But having obtained his freedom, he exposed his hostage to imminent danger, by regaining his castles and by making every exertion to recall young Henry out of Normandy.

The last trait of Ranulph Gernons' versatile and dishonourable career, was his agreement of forbearance with Robert, Earl of Leicester, the king's favourite, in consideration of which there was restored to him the constablership of Lincoln Castle and county, with all his other hereditary rights or equivalents, and several forfeited estates. So powerful was Ranulph then become, that it is said, no doubt with exaggeration, he had possessed himself of a third part of the whole realm.

Lastly, we are informed that, at the close of the reign of Stephen, certain lands, of which the Earl of Chester had taken forcible possession, including those between the Ribble and the Mersey

(formerly belonging to Roger de Poitou, and subsequently to William Peverel, lord of Nottingham, then deceased), were, by the consent of Stephen, sanctioned, it is also said, by Maud the empress, and Henry, Duke of Normandy (afterwards Henry the Second), confirmed to the family of Ranulph Gernons.

Sir Peter Leicester has also assured us, on the authority of Dugdale, that King Stephen gave to Ranulph Gernons all the lands of Roger de Poitou, from Northampton to Scotland, except what belonged to Roger de Montbegon, in Lincolnshire.—[Ormerod's Cheshire, vol. i, p. 25.]

Among the possessions thus gifted, were the town and wapentake of Salford.

§ 4. RANULPH GERNONS ENDOWS THE ABBEY OF LENTON, IN NOTTINGHAMSHIRE, WITH LANDS FOR THE FOUNDATION OF A CELL, OR HERMITAGE, AT KERSALL, NEAR MANCHESTER.

It has been shewn that William Peverel, the first lord of Nottingham, founded the Cluniac priory of Lenton, in Nottinghamshire. Several reasons were also advanced for the supposition, that Cluniac monks had been first introduced to the vicinity of Salford by their great benefactor, and that they had constructed the rude cell or oratory of Ordshal, formed from a cave which had been previously dedicated to Odin. That Ranulph Gernons, when he took possession of the town of Salford and lands adjoining, found certain Cluniac monks of Lenton already settled there, amounts to a very strong probability, and nothing more. In such a case, he might have made an original grant of lands for their support, or have otherwise confirmed them in the possession of territory which they might have previously enjoyed under the patronage of their former bountiful promoter, William Peverel.

The deed, however, by which a cell near Manchester first became attached to the Cluniac priory of Lenton, is less presumptive of Ranulph Gernons having been a confirmer of lands previously granted at Kershal, or Kersall, than of his having been himself an original founder.

At this early period it would appear, that the manorial demesnes of Salford included the flat marshy valley to the north of the town, often overflowed by the Irwell, which here makes a sudden bend, as far as the high broken banks and stony knolls of Kersall, or Broughton. Accordingly, with the lands of Kersall, situated on the opposite shore of the river, Ranulph Gernons endowed a cell, or hermitage, for the reception of Cluniac monks, which he attached to the priory of Lenton, in Nottinghamshire.

Such appear to have been the real circumstances of the foundation, devoid of all conjecture. Yet they are by no means at variance with the probability, that the monks introduced to Kersall had previously possessed the cell of Woden, at Ordeshall. On such a supposition, they might have merely removed to the vicinity of other crossing places of the Irwell, near Kersall, or Broughton, equally perilous with the ford of Ordeshall, and, no doubt, equally used;—for it might be geographically explained, that, with the view of avoiding a détour by Manchester, these fords were continuous with a cross pathway, which, in its diversion from the Roman track near Broughton, leading from Ribchester to Mancunium, intersected another ancient course conducting to Veratinum [Warrington], until it joined, near Hulme, the road to Condate [Kinderton].

According to this view, the Cluniac monks of the cell of Kersall undertook the ancient guidance across the hazardous fords of the Irwell, when the river was dangerously swollen; an office of monastic hospitality and mercy, which met with many parallels throughout Christendom. If religious meditation first tempted pious men to people dreary solitudes, an equally urgent motive was the activity and usefulness of a social tendency, most religiously enforced by the Benedictine and Cluniac rules.

But, without hazarding more speculations, we at length arrive at historical certainty:—

In the year 1780, Dr. Farmer discovered a deed which had been used as a lining to the cover of an old book. It consisted of a piece of parchment, six inches deep and four broad, which had suffered a little from being worm-eaten. This relic proved to be an original deed, which designated Ranulph de Gernon, Earl of Chester, as the real founder of the religious house of Kersall, or Kereshal. The following is a transcript of it from Cole's MSS., in the British Museum:—

R. Consul Cestræ episcopo Cestræ, archid' et omnibus ordinatis Dei et constab' Cestr' dapif'. B..... justiciariis, vicecomitibus, ministris et ballivis, et omnibus hominibus suis, clericis et laicis, Francis et Anglia, salutem, Sciatis, me concessisse et dedisse Deo et sanctæ Mariæ et monachis Sanctæ Trinitatis de Lenton in elemosinam Kereshelam, locum ad servicium Dei edificandum, et pasturam, et ad se dilatandum de essartis et piscariis et de rebus illis omnibus quibuscumque se dilatare et aisiari poterint. Quare volo et firmiter præcipio quod prædicti monachi bene et honorifice prædictam elemosinam solam et quietam et liberam de omni seculari servicio habeant, ne aliquis meorum super timorem Dei, et meum amorem temerè perturbet. T. Mathild. comitissa Cestræ, et Kad-

waladr rege Waliarum, et Willielmo filio Alani, et Symone Corbet, et Roberto Dapifero, Ric Pencerna, et Henr. Pultrell, et Willielmo capellano apud Cestr.

Such was the charter discovered between sixty and seventy years ago, which leaves no doubt whatever that Ranulph Gernons, the fourth Earl of Chester, was the actual founder of the Cluniac cell of Kersall, near Manchester.

Ranulph Gernons, at the close of his life, endowed other religious houses besides those of Lenton and Kersall, among which was the monastery of Stoneley, in Warwickshire, and of Trentham, in Staffordshire. He was also a benefactor to the monks of Saint Werberg, in Chester.

He died, as some genealogists state, on the 16th of December, 1153 (18th Stephen), "et portoit de gueulles au lion rampant d' argent à la cove estant." Others assign this event to the various dates of 1155 or 1156. The death has been generally attributed to poison, administered by William Peverel, lord of Nottingham, in revenge for the forfeiture which had taken place of his heritable estates in favour of his victim. It is even added, but without any evident proof of the charge, that Maud, Countess of Chester, was privy to the assassination. William Peverel fled the kingdom, and became an exile for life.

Ranulph Gernons was succeeded by Hugh Kevelioc, the fifth Earl of Chester. About this time the troublesome reign of Stephen came to a close. Henry the Second is said to have conferred the Honour of Lancaster upon "William de Bloys, third son of King Stephen, lord of the Egle and Earl of Mortaigne and Boloign, who married Isabel, daughter of William de Warren, third Earl of Warren and Surrey." He became the fourth Earl of Warren and Surrey.

#### § 5. ALBERT [SENEX], LORD OF MANCHESTER, GIVES TO THE CHURCH OF MANCHESTER FOUR BOVATES OF LAND.

It is now time to turn our attention to the ecclesiastical affairs of Manchester, rather than to those of the contiguous town of Salford.

There are a few bequests recorded of Albert [Senex], serving to connect his name with the lordship of Manchester, of which were four bovates of land ceded to Ulric of Manchester for five shillings per annum, whose descendants were stated to have long continued in possession of that land, and three bovates to Robert de Bracerigge, in consideration of four shillings annually.

This baron also gave four bovates, or ox gangs, of land to the church of Manchester from his



lordship "in elemosinam." The donation is supposed to have comprised a glebe in and near Denesgate, intermediate to the older and the newer town of Manchester. As it was gifted for the use of the "persona," or parson of the adjoining church of Saint Mary, it gave to the land the name, which a portion retains to the present day, of "the Parsonage."

§ 6. THE OLDER CHURCH OF SAINT MICHAEL, IN ALPORT, SUPPOSED TO HAVE BEEN, BY THIS TIME, IN A STATE OF NEGLECT.

In the grant which has been cited, the four bovates of land are gifted, not to the two churches, but to "the church" ["ecclesiæ"] of Manchester. We may therefore suppose, that the more ancient church of Saint Michael, situated in the older town, named Alport, was long before this time in a neglected state, the chief memorial of its presence having been perpetuated in the annual fair, or feast of dedication, which would continue to be held in its vicinity.

One great cause of this state of neglect must have been owing to the removal of the town of Manchester to a more northerly site, by which the older church of Alport would be no longer surrounded with habitations;—in proof of which, it may be collected from manorial documents of a later date, that Alport was at that time in the process of being converted into a park, where there was "a wood invested with oak, and yielding a pannage (or feeding for swine), an aery of hawks, herons, eagles, honey, and bees."

Another cause of neglect was referable to the law enacted in the time of the Saxons, that when more than one church rose up in a parish, the younger participated in the endowment of the older one, even to a third, and shared with her in all tithes and oblations, save the church scot, which was continued to the mother-church, as an acknowledgment of her superiority. Consequently, a parish became unwilling to disperse her tithes among a greater number of poor clerks than the cure of souls demanded.

A last conspiring cause may be referred to the adjacent rival oratories of Ordsall and of Kersall, belonging to the Cluniac fraternity, whose religious offices were transcendantly influential, far exceeding those of the secular clergy. It was reported of a monk of the tenth century, that in clambering to the summit of Etna, near reach of this mouth of hell, he heard from within the devils complaining, how many departed souls had been wrested from their dominion by the prayers of monks of the Cluniac order.

These circumstances may sufficiently explain the

decay of Saint Michael's Church in Alport, rendering it unnecessary to refer the event to the practice of the Conqueror, who, in taking in a forest and stocking it with wild animals, would demolish many family dwellings and religious houses.

The exact site where the church of Saint Michael stood is perfectly unknown. As it was often customary to build a church dedicated to the archangel on the loftiest portion of the selected land, a suggestion arises, that it should be sought for on the south of Castle-field, not far from the site where three fragments of stone were actually discovered a few years ago, supposed to have belonged to an ecclesiastical structure.

These interesting relics, hitherto incorrectly reported, have fortunately met with preservation in the museum of the Manchester Natural History Society. Two of them will be now described. A third is reserved for future comment.

The one which represents a human face, perfectly beardless, has nothing remarkable in it, with the exception of what has been taken for hair turned back, but which might rather indicate a sort of cap, or covering for the head, especially if the countenance be assigned to a female, and not to a man.—"But much may be said on both sides." It is, in height, one foot ten inches; and, in breadth, one foot six inches. It is not easy to make a conjecture on the portion of ecclesiastical structure from which this fragment might have been detached, whether from some vaulted ceiling, or from some parapet, or even buttress, &c.



A second figure is of a most interesting description, being that of a female with a loose cap on her head, and arrayed in rather an elegant robe. The forearms are placed over the front part of the

waist. This relic might have expressed a saint, or might have been one of the figures grouped in a rood. The height is two feet four inches, and the breadth one foot four inches.



§ 7. ALBERT [SENEX] IS A CONSIDERABLE BENEFactor TO THE ABBEY OF SWINESHED, IN LINCOLNSHIRE, WHERE HE IS INTERRED.

Albert [Senex] was a considerable benefactor to the abbey of Swineshed, in Lincolnshire, whence probably the supposition, an erroneous one, in the book of Furnes, that it was founded in 1148, in the time of Stephen. Gervase Holmes has also stated, from a MS. of Leland, "Swineshed cœnobium Bernardinorum a Latimerio temporibus Stephani regis inchoatum."

In a confirmation charter of King Henry the Second, the different donations which formed the endowment of Swineshed Abbey are enumerated. "H., Dei gratia, Rex Angliæ, confirmed to God, and to the church of the Holy Mary of Swynesheved, and to the monks there serving God, in the place among the willows, in the marsh of Swynesheved, in which the abbey was founded, along with all the culture of meadow and a fourth part of the marsh there, and two piscinæ, and the mill of Burtoft, and the mill of Sudwella, and THE MILL OF MAINCESTRIA, &c., &c., &c.; and whatever Robert Greslei and Albert his son, the founders of the aforesaid abbey, gave to the same and confirmed by their charters."—[See Dugdale's Monasticon for the authority.]

We also find, from Kuerden and the Testa de Nevil, that Albert [Senex] gave to the monks of Swineshed one croft, named Witacres, near Manchester. "Albertus Gredly dedit monachis de Swinshou 1 croft voc. Witacres [or Withacres], in elemosinam."

Albert [Senex] was interred at Swineshed, where a monumental effigy still exists. But whether it commemorates him, or his father, co-founders of the monastery, is uncertain.

§ 8. THE DESCENDANTS OF ALBERT [SENEX] AND HIS INFESTMENTS.

Albert left behind him one son, Albert [Juvenis], and three daughters, severally married. Emma, his youngest child, received, in marriage to Orme Fitz-Ailward, or Eward, one knight's fee in Dalton, Parbold, and Wrightington, which then became subfeodary to the manor of Manchester, and also one carucate in Eston, for ten shillings annually;—which Eston was, according to Dr. Ormerod's successful researches, not Ashton-sub-linam, a berewick of Manchester (as is generally supposed), but Orm-Eston, now Urmstone, in the parish of Flixton. As a consequence, the alienation of the church and manor of Assheton, attributed to this marriage, is a most incorrect supposition.—[From "the Stanley Legend," a genealogical memoir in the seventh vol. of the Collect. Topogr., &c., by Dr. Ormerod.]

The same Albert [Senex] is also said to have given to Henry Fitz-Siward a carucate of land in Flixton, for ten shillings.

Another infestment was in favour of Thomas Perepoint of three carucates of land in Rivington, for the fourth part of a knight's service.—[Gresson's Lancashire, page lxix.]

But let us now pause.—Among Lancashire genealogists there are numerous irreconcilable contradictions and obscurities regarding the succession of feudal infestments of this particular period. For instance, in the year 1168, William de Bloys, third son of King Stephen, who possessed the Honour of Lancaster, died; but by whom he was immediately succeeded in that dignity, or whether it remained with the crown, is not very intelligible.

An obscurity, no less perplexing, pervades the infestments of the barones comitatûs, as well as the whole of their history;—for which reason, I have omitted noticing the numerous contending accounts which have been given of the Greslets, father and son,—Albert Senex, and Albert Juvenis. As it is quite impossible to reconcile these contradictions, and as the labour is, honestly, not worth the trouble, I shall (with, perhaps, some little

of the fox and grape spirit) pass them over altogether, by referring the reader, in the first place, to Mr. Wharton's memoir on the family of Greslet, published in the *Manchester Literary Transactions*; and, in the second place, to Kuerden's more ancient account of the barony of Manchester, in his manuscript volume deposited in the Chetham Library;—which account, however inaccurate in some respects it may be deemed, has not hitherto been correctly quoted.

#### CHAPTER IV.

EVENTS DURING THE BARONIAL SWAY OF ALBERT GRESLET [JUVENIS], THE FOURTH BARON OF THAT NAME.—A.D. 1166?—1182?—TEMP. HENR. II.

While describing the local events of Manchester, it will occasionally be expedient to glance at the general position of the English church, as it varied at different periods.

In the time of Henry the Second, while many enormities of a preceding reign, attributable to an undue exercise of royal authority in ecclesiastical affairs, had been corrected, old disputes were revived regarding the nature and extent of the authority claimed by the church. These were very far from being satisfactorily terminated. The church claimed for the clergy an exemption from the lay jurisdiction of the secular courts, which, although recognised by the established usages of the country, had given rise to great abuses among the more licentious members of the church;—which abuses had grown with the growing turbulence of the times. The king, on the other hand, asserted the incompetence of the spiritual courts in cases of criminal jurisprudence, and, in order to exclude, under any circumstances, the ancient right of appeal to the decision of the pope, he not only forbade any clergyman to go beyond the sea without permission of his sovereign, but ordered all causes purely spiritual to be terminated in the court of the archbishop.

And even with this stretch of authority the king was not contented. He exempted the principal officers and tenants of the crown from any spiritual censures whatever of the church; and, lastly, he claimed the custody of all vacant benefices of royal foundation.

It was in the course of these contentions for the immunities of the clerical order that the unfortunate catastrophe occurred of Becket's death.

With this view of the general state of the English church at the close of the twelfth century, we may now proceed with our local history.

The exact period when Albert [Juvenis] succeeded to his father, in the possession of his Lancashire estates, is unknown. In the 12th of Henry the Second, A.D. 1166, he confirmed whatever Robert de Gresley and Albert, his son [Albert Senex], had given to the church of Swineshead.

#### § 1. THE PARISH OF MANCHESTER, AND CHURCHES ADJACENT.

Regarding the state of the church of Manchester during the baronial sway of Albert Juvenis, nothing whatever is known.

Hollinworth has referred the chapel of Didsbury, contained within the parish of Manchester, to this period. "Didsbury Chappell, the first chappell that was builded in this parish, was (as is supposed) erected about this time."

In the adjoining parish of "Prestwich-cum-Oldham," it is imagined, from the architectural character of a font (which I have not seen), that the church of Oldham may be referred to this period.

Lastly, about this time Adam de Spotland either founded or endowed the church of Saint Cedde, in the contiguous parish of Rochdale.—[Baines' Lancashire, vol. ii, p. 624.]

#### § 2. HENRY THE SECOND CONFIRMS TO THE MONASTERY OF LENTON, IN NOTTINGHAMSHIRE, THE HERMITAGE, OR CELL, OF KERSHALL.

Henry the Second, who was a great friend to all religious orders, especially to the Cistercians, the monks of Clugni, the Knights Templars, and Carthusians, confirmed to the monastery of Lenton the hermitage, or cell, of Kershal, as is shewn in an *inspeximus* of King Edward the Second.

"*Inspeximus etiam quandam aliam cartam quam idem progenitor noster fecit monachis dictæ ecclesiæ de Lenton in hæc verba:*

"*Dei gratia Rex Angliæ, &c. R. filio Bern. et omnibus ministris et forestariis suis de intra Ribbile et Merse, salutem. Sciatis nos dedisse et concessisse et hac mea carta confirmasse monachis de Lenton pro salute mea et heredum meorum, et pro anima regis H. avi mei et antecessorum meorum hermitagium de Kershala cum omnibus pertinentiis suis in liberam puram et perpetuam elemosinam. Quare volo, &c. T. B. episcopo apud Porcestre.*"

[From a diploma relating to the monastery of Lenton, given in Dugdale's *Monasticon*, entitled "Diploma Regis Edw. II, ipsam fundationis cartam necnon donationes diversorum recitans et confirmans."]

Tanner states that this charter of confirmation was granted before the year 1184, when Bartholomew, Bishop of Exeter, who was a witness to it, died. With respect, therefore, to the place which it finds in the annals of Manchester,—as Albert Greslet [Juvenis] was not living in the year 1182, it is a greater chance that the grant occurred during his baronial sway, than during the first two years of his successor.

### § 3. THE INFEEFMENTS OF ALBERT GRESLET [JUVENIS].

Little more is recorded of the period of Albert Juvenis. The requisitions of the crown for carrying on expensive wars induced this baron to make various subinfeudations of his estates, among which were two bovates of land in Anglezark to the Lathom family, three carucates in Rivington, Rumworth, and Lostock, to the Pierpoints, which, from them, came to the Haltons. He also gave to Alexander Fitz-Umoch two bovates of land in Parva Lofre (Little Lever), for half a mark and twelve-pence, or in lieu one of the smaller breed of hawks named a "nisus;"—to Elias of Pennilbury, lands at Slivehall, for twelvepence, or one nisus, annually;—and to William Noreys two bovates in Heton, for rent of ten shillings.

### § 4. DEATH OF ALBERT GRESLET [JUVENIS].

The date of the death of Albert Juvenis is, perhaps, unknown. It would appear that he was not living in the year 1182.

He had married Elizabeth [or, perhaps, Isabel], daughter of Thomas Bassett, and sister of William Bassett, by whom he left one son, his heir.

## CHAPTER V.

### DURING THE BARONIAL SWAY OF ROBERT GRESLET, THE FIFTH BARON OF THAT NAME.

At the time when Albert Juvenis died, his son, Robert Greslet, was of very tender years. But even under these circumstances, long before a minor could contract a personal engagement, the sovereign was accustomed to receive his homage as a sort of pledge that the child was the true inheritor of the fief of his father; and that the hereditary transmission of the fief was to be uninterruptedly perpetuated.

With regard to the right of tutelage, some recent provisions to this effect were made during the reign of Henry the Second. But, in the present instance, it would appear that the Norman law had been observed. In Normandy, the administration of a minor's fief was committed to the nearest heir,

while the care of his person was entrusted to such of his relatives as could not inherit from him. We accordingly find, that Robert Greslet was placed under the guardianship of his mother, Isabel, daughter of Thomas Bassett, who afterwards became the wife of Guy de Creoun, and of his uncle, Gilbert Bassett, neither of whom could inherit from their ward.

It is probable that the period of tutelage would be, in some degree, regulated by the Saxon laws, which made an individual legally responsible for his conduct at the age of twelve. That this rule extended to the present case of feudal heirship, can only be surmised from the record, that Robert Greslet, subsequent to the death of his father, was, in the 32nd of Henry the Second (1186), reported to be eleven years of age.

### § 1. THE SUBORDINATION OF THE PAROCHIAL CHURCH OF MANCHESTER AT THIS PERIOD TO AN ARCHPRIEST.

In the year 1188, when Henry the Second determined to undertake a crusade to the Holy Land, in conjunction with the King of France and the Earl of Flanders, he obtained leave from the pope to receive the tenth part of all spiritual promotions for a certain term of years; which tenths were named the "*Decimæ Saladinidæ in subventionem terræ Ierosolymitanæ*." This tribute, an early instance of paying tenths, was levied in each parish: "*in singulis parochiis, præsentis presbytero parochia, et archipresbytero, et aliis*;" the penalty of default being excommunication.

This quotation is made for no other purpose than to illustrate the ecclesiastical system of ranks which prevailed at the close of the twelfth century in each parish of England, whereby an incumbent was made subordinate to an archipresbyter, or archpriest. It will be shewn hereafter, that the functions of the archpriest became gradually modelled into those of the dean rural. In the meantime, I shall avail myself of the very successful researches of Mr. Dansey, in his *Horæ Decanicas*, as well as of the remarks of M. Guizot, in his "*Histoire de la Civilisation en France*," to explain the origin of the archipresbyteral functions, which, at the present day, are particularly interesting, as they have undergone, in Manchester, and other districts of the diocese of Chester, a recent revival.

It was in the large towns of western Europe, according to M. Guizot, that Christianity, when first taught, met with its earliest support under the presidency of a bishop, who was the primitive element of the order of priests, the commencement [*point de départ*] of the ecclesiastical congregation, and the inspector, or chief, of the religious assembly of

each town. Subsequently, a greater or less tract of country was formed round the town, or city, wherein the bishop presided, which became the proper diocese of the primitive episcopal see.

There might also be found in many tracts of land, sometimes diocesan, and sometimes independent of the jurisdiction of a town bishop, a number of parishes associated together under the name of "chapitre rural," at the head of which was an archpriest, who, in contradistinction to the bishop who resided in a town, was named the chorepiscopus, or country bishop, as well as episcopus vagus, or ambulatory bishop.

All bishops at first, as Mr. Dansey has remarked, were upon an equal footing; but, when the polity of the church began to conform to the state, the chorepiscopi were considered as vicarii episcoporum, bishops' deputies, or suffragan bishops; and, in the meantime, there was a subjection of the rural to the urban bishop, during which decline we trace the newer appellation given to the chorepiscopus of ARCHPRIEST, or protopresbyter, with the view of reducing him to the subordinate rank of presbyters.

There also arose two kinds of archpresbyters, namely, the cathedral or urban archpriest, who had authority in some city or cathedral church; and the rural archpriest, who was vested with a superintendence over the parish priests of the district in which he was localised.

The rural archpriest, to whom our attention is confined, inspected churches which lay so remote from the city, that they could not be overseen by the bishop in his own person. In the twelfth century, he became an important agent, appointed probably by the pope himself, after the manner of other countries of Europe, to superintend the secular concerns of the groupe of churches assigned to his superintendence. He was appointed, for instance, collector of the decimæ Saladinidæ. He also levied the Rome scot, variously named Peter pence, first imposed by Ina in support of an English school at Rome, the half of which, however, went to the personal support of the pontiff. And whenever the kings of England obtained leave of the Roman see to receive the tenth part of spiritual promotions for a certain term of years, the aid, named "the tenths," became collected by the archpriest, or archpresbyter.

It is probable, also, that the archpriest was placed as a check over the morals of the parochial clergy among whom he was localised;—for it has been properly remarked by a modern writer, in reference to the assertion of William of Newburgh, that the peace was frequently broken by the thefts, rapines, and homicides of clergymen, who, pleading their privilege as clerks, eluded all penalty,—that the prac-

tice of ordaining clerks beyond the demand of the country, together with their exemption from civil jurisdiction, had greatly contributed to their degeneracy.—[Dr. Vaughan's Wycliffe, vol. i, p. 173.]

Hence arose a system of vigilance, or police, which the times imperiously demanded. But it was not complete without the more enlarged control of a præfectus episcopi, or archdeacon, to whom, in the diocese of Lichfield and Coventry, the archpriest owed his appointment.

## § 2. THE ARCHDEACONRY OF CHESTER, WITHIN WHICH MANCHESTER WAS COMPREHENDED.

Manchester was very early included within the archdeaconry of Chester, which formed one of the divisions of the diocese of Lichfield.

This diocese, which, at intervals, underwent a variety of names, as of "Lichfield," "Chester," or "Lichfield and Coventry,"—which latter designation it eventually retained,—admitted, from a very early period, two archdeaconries, namely, of Chester and of Richmond, in the former of which Manchester was included.

So ancient was the office of archdeacon in the church, that the fact of his having been originally chosen from the order of deacons, whence his name, mounts up to the third century. He is now, as it is well known, selected from the order of priests. His functions, at a later period, bore some faint resemblance to those of the Laodicean periodeutæ, who were "quasi procuratores et episcoporum vicarii." The periodeutes was a sort of circumcursator within a rural circle of churches, appointed by an urban bishop, though, with this provision, that he should unite the office of a parochial incumbent with that of a visiter, which the archdeacon did not, who, in this respect, ranked above the periodeutes.

We hear very little of archdeacons in England until after the Conquest. The clergy appear to have been represented by archdeacons in convocation, to whom they gave letters of proxy to act in their behalf;—an incident which no doubt prevailed in the diocese of Lichfield, where the clergy of Cheshire and Lancashire were represented by an archdeacon, stated of Chester, while those of other contiguous localities were represented by an archdeacon of Richmond. The first account which is transmitted to us of archdeacons being summoned in convocation, was in the 22nd of Henry the First, 1122.

It is supposed that, even in Saxon times, the archdeacon was appointed by the bishop, and that he was the præfectus episcopi in the time of Edgar. In the Norman period, he certainly appears to have owed his appointment, within the vast diocese of



Lichfield, to the necessity which subsisted for alleviating the duties and responsibilities of the diocesan, as well as for generally improving the discipline of the church. The archdeacon was a close attendant on the bishop in the episcopal city, and he was sent as a commissary, or mandatory, in the country, though more on secular than on spiritual affairs.

But, although a large district was assigned to the superintendence of an archdeacon, it has been remarked, that about this period the bishops of Lichfield and Coventry still used Chester in their title, on the ground that one or two of their predecessors had there sate.

### § 3. RICHARD THE FIRST ASCENDS THE THRONE.

In the year 1189, Richard the First ascended the throne of England. We find few ecclesiastical events, connected with our local history, which occurred during this reign. The monarch professed a favourable inclination towards the English church, which he would not suffer to be deprived of any of her disputed rights.

In the first year of his reign, the Honour of Lancaster was possessed by the crown. In the fifth year, Richard gave it to his brother John [Lackland], the fourth son of Henry the Second, who had married Alice, daughter and one of the heirs of Herbert, Earl of Mortaigne, in whose right his father had transferred to him this title. Some of the lands formerly belonging to Roger de Poitou were conceded to him, which, at first, did not possess *jura regalia*. Along with these possessions, John, Earl of Mortaigne (afterwards King John), is said to have been created the first Earl of Lancaster.

The era of Richard the First was a stirring one in military movements. By a law passed in the preceding reign, whoever held a knight's fee was required to have a coat of mail, a helmet, a shield, and a lance; and every knight was to have as many coats of mail, helmets, shields, and lances as he possessed of knights' fees. Every layman who owned goods, or rents, to the value of sixteen marks, was to have a coat of mail, a helmet, a shield, and a lance; while every free layman who had, in goods, ten marks, was to have an iron gorget, an iron cap, and a lance.

### § 4. ROBERT GRESLET COMES OF AGE, AND MARRIES.

In the sixth year of the reign of Richard the First, Robert Greslet arrived at the full age required by law, to enable him to take possession of his numerous estates in the counties of Oxford, Rutland, Lincoln, Norfolk, Suffolk, and Lancaster. Heirship, as M. Guizot remarks, being the natural and normal con-

dition of feudalism, the relation of the vassal to the sovereign obeyed the same law. Each time that the vassal died, the social link was required to be renewed; and hence the ceremonies of homage, the oath of fidelity, and institution. We are accordingly informed, that the homage of Robert Greslet having been accepted, there followed the oath of fidelity, as well as the actual investiture.

Shortly after coming of age, Robert Greslet married a daughter of Henry, brother of William de Longchamp, chancellor to King Richard, with whom he had the lordships of Mashingam and Weston, in the county of Norfolk.

### § 5. ROBERT GRESLET ASSISTS RICHARD THE FIRST IN HIS EXPEDITION TO NORMANDY.

About the time when Robert Greslet came of age, Richard was setting out upon his expedition to Normandy, with the view of commencing immediate hostilities against the French king, and, as the baron of Manchester was summoned to attend his sovereign, we find indications of the efforts which he made in the royal cause, not only in the scutage which he received from his Lancashire tenants, but in the numerous sub-infeudments which ensued. Many of the grants recorded of him were, no doubt, in recompense for the personal services of the adventurous free tenants who followed in the baronial suite. For instance, we find about this time grants of land made to the Latham family in Childwall, Parbold, and Wrightington, severally members of the barony of Manchester. The Pierpoints had sub-infeudments of land in Rumworth;—the Samelsbury and Harewode families in Harwode and Sharples,—which last gifts were increased by a transfer of lands in Aspul, Turton, and Brockholes, previously in the possession of the Hollands. Robert de Buri had thirteen [or fourteen] bovates of land given him from the lordship of Manchester, in consideration of half a knight's service, while Radulphus [alias Robert] de Emecot had two bovates granted to him, in consideration of six shillings and eightpence annually. The Pilkingtons had also their possessions increased, most probably in return for, or in expectation of, services in the field.

It is reasonable to suppose that corresponding exertions were made by lesser proprietors, such as those who held their estates by thanage, or by drengage, to support the cause of Richard the First. Among the original Saxon stocks were the families of Hulme, of Worthington, of Prestwich, of Withington, of Chorleton, of Chetham, of Middleton, of Hest in Middleton, of Hulton, of Penelbury, of Clifton, of Notton [or Newton], and of Failsworth. Of these old Lancashire houses various transfers or confirmations of land are recorded.

In fact, the era of Richard the First, while it abounded with feudal confirmations or gifts, was, otherwise, an epoch in the history of landed property; inasmuch as it formed the time of legal prescription. No lands, tenements, rights, or liberties which had been enjoyed in the previous reign of Henry the Second, were required to be proved by any charter or document in writing whatever.

#### § 6. THE CRUSADING SPIRIT OF THIS TIME.

There is little more at this period to record of the lordship of Manchester, except that it partook, with every other part of the kingdom, in that religious excitement, which, having been cherished by a lingering after barbaric freedom, stimulated the feudal proprietor to exchange hours of idleness in the country for the perils of an errant life. The spirit of crusade having extended to Manchester, some few heroes of the Paynim fight are still remembered in the oral records of the vicinity. Of these, was Elias, or Elizeus, the giant of Worsleigh, founder of this family, who held the manor of Workealegh, or Workedlegh, near Manchester. He was, says the tradition, reputed a giant, who fought many duels and combats for the love of our Saviour Jesus Christ, and obtained many victories;—who died at Rhodes, and there lies buried.

The son and heir of Elias the Giant [Elias Gigas as he is named in the feudal entries,] was Richard Workedly, who is said to have gifted lands in Penulstbury and North Dene, as well as pastures in Swinton, to Adam de Penulstbury.

In the year 1821, there was discovered to the south of the Roman station of Castle-field, in Manchester, a sculptured fragment of stone, which, most probably, had existed in the old church of Saint Michael, in Aldport. It represents a figure cross-legged, somewhat after the manner of a knight-templar, the elbow of whose left arm, while resting upon his trusty battle-axe, gives support to the head.

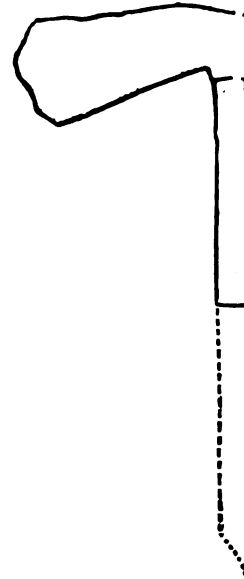
A very unsatisfactory representation of the relic has been published in Baines's History of Lancashire.—The height of the stone fragment is one foot ten inches, and its breadth one foot eleven inches and a half. It is deposited in the Natural History Museum of Manchester.

The figure would appear to be arrayed in a shirt of mail [or chain armour]; the cap, of a singular fashion, indicates the same material. The battle-axe, upon the blade of which the warrior reposes, has the opposite end of the shaft planted firmly on the ground. The exact form of this ancient

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weapon I have more distinctly traced on a tombstone of the crusading age, at Chelmerton, near Buxton.

But to what portion of church architecture is this sculptured fragment to be referred? It might have formed the tablet of a feretory [or repository of relics], or the capital of a pillar, &c. &c.



Battle-axe of the Crusading age. From an ancient sepulchral stone at Chelmerton, Derbyshire.

§ 6<sup>th</sup> THE FIRST RECORDED DEAN RURAL OF MANCHESTER.

There is a vice which pervades the whole of the remarks of Mr. Whittaker, on the rural deanery of Manchester. This truly erudite, yet fanciful author, having set out with the proofless assertion that a rural dean existed in Manchester in Saxon times, the whole of his reasoning has been made to bend to a vain system of theorizing. The consequence is, that while many important facts have been glanced over, if not suppressed, trivial circumstances have been made to acquire a most undue prominence. For instance, the constant residence of a rural dean in Manchester has been inferred from the name of a street, the Denesgate of ancient charters [not Deansgate], which Whittaker supposes to have led from Aldport on the south, and from the Baron's Hull on the north, to the intermediate mansion of the rector or dean, whence the origin of the name Denesgate, improperly spelled "Deansgate."—[Whittaker's Manchester, 4to., vol. ii, p. 408.] This sanguine author has even subjected to graphic description a half timbered building of no Saxon date whatever, supposed by him to have been the house of the deanery, which my old friend, the late Mr. Aston, in his "Guide," has afforded us the means of examining for ourselves, by referring us for the site thereof to "Number 94, Deansgate."

In a later view, however, which I have taken of the etymology of Denesgate, the supposition is wholly untenable. The remarks which I have to offer on this etymology, in addition to others which will suggest themselves, when I describe the naturally fortified site of ground selected for the newer residence of the baron of Manchester,—are as follows:—

According to Dr. Bosworth, the Saxon name "dene," signifies "a valley."

But Mr. Chadwick, in a genealogical history of his family [Corry's Lancashire, vol. ii, p. 606], limits the word dene to a particular kind of valley, "convallis,—a narrow valley or dale, enclosed on both sides with hills, and often exhibiting woods and streams of water convenient for feeding cattle." I believe that this restricted meaning is strikingly exemplified on the northern suburbs of Edinburgh, at the place where the valley through which the water of Leith flows takes the name of "Dene." Another Scottish dene, in the same vicinity, is the well known Hawthorn Dene, or Hawthornden. In Lancashire we have many of these denes, as North Dene, near Manchester, and Saint Mary's Dene, near Bolton, where a church dedicated to the virgin was built;—it is now simply named "Dene." We have also Spodden, or Spawdene, subsequently

named Healey Deane, or the Holy Dene, near Rochdale. But as it is needless to multiply examples of this kind, the only remark demanded on this occasion is, that a dene, or valley, of this precise kind, under the name subsequently given to it of "The Hanging-ditch," insulated the fortified site of the Baron's Hull. Hence, as the Roman road which led from Aldport conducted to this dene, where a rivulet was required to be crossed, the said road was simply named "the Dene's-gate."

This is no fanciful etymology. There is a Denesgate in the populous town of Bolton-le-Moors, where certainly no rural dean is ever recorded to have sojourned; while there is not far from the town a valley, or dene, to which the Denesgate of Bolton leads.

In short, while Mr. Whittaker has attached to the title of "Dean of Manchester" a date of origin many centuries earlier than can be confirmed by written evidence (which I was the first to point out in a former edition of this work), the error was still farther complicated by the functions of the dean and rector being necessarily united in one and the same person, whence the conclusion, that the constant residence of the dean must be sought for in the parsonage land of the Denesgate.

We have, in fact, no evidence whatever of the existence of a dean of Manchester prior to the present period of our history, namely, the reign of Richard the First.—In a confirmation made by Hugo, Bishop of Coventry, of a mediety of the church of Eccles with all its appurtenances, at the presentation of Editha de Barton, and by the consent of Robert Grelley,—which grant is dated at Wynewhik, in the month of April, 1192, "in the second year after the king had set out for Jerusalem,"—the deed is witnessed, among other persons, by "J. Decanus de Mamecestr."—[Coucher Book, or Chartulary of Whalley Abbey, edited by W. A. Hulton, Esq., for the Chetham Society, vol. i, p. 39-40.]

The occurrence of the name of a rural dean of Manchester at this particular period, so soon after the year 1188 [see pages 22 and 23], is a point of no little historical importance, as bearing upon two questions, first, whether the dean rural was, or was not necessarily located in Manchester,—and, secondly, whether the functions of the dean rural and rector of Manchester were, or were not united in the same individual.

These questions, answered with great temerity by Whittaker, will be discussed when I have to speak of Albert de Neville, the first usually recorded rector of Manchester, whose name has transpired.—But of this, there may be a doubt.

§ 7. RANULPHUS DE WELLING, RECTOR OF MANCHESTER.—TEMP. RICHARD I.

From the time of Edward the Confessor, when the church of Manchester is recorded to have been endowed with a carucate of land, down to the reign of Richard the First, at the close of the twelfth century, there has not been hitherto the name of a single rector of Manchester known, until, in the reign of John, we meet with an Albert de Neville disputing with the prior of Lenton regarding a parochial right of sepulture infringed upon by the monks of Kershal.

A friend, however, upon whose accurate information I place the greatest reliance, informs me, that in a deed of the 6th of Richard the First (A. D. 1194-5), relating to the contiguous parish of Prestwich, he saw the name recorded, as a witness, of RANULPHUS DE WELLING, RECTOR OF MANCHESTER.

It would appear, then, that we have evidence of a dean rural of Manchester living in the year 1188, and, in the present instance, of a rector of Manchester existing about six years afterwards. But, as the intervention of even this short period renders the evidence imperfect whether the functions of the dean rural and rector were, or were not united in the same individual, the question will be postponed until we have to speak of Albert de Neville.

As I am unable to give any account of Ranulphus de Welling, Rector of Manchester, I shall merely describe the arms of the family of Wellings as given by Mr. Burke in his general armoury of England, Scotland, and Ireland, published in 1842. Ar. a bend, per bend, az and gu. six mullets of the third.

§ 8. KING JOHN CONFIRMS THE GRANT OF THE CELL, OR HERMITAGE, AT KERSALL, TO THE MONASTERY OF LENTON.

In the year 1189, John [Lackland], who possessed the Honour of Lancaster, succeeded to the throne of England.

About this time, Elias Fitz-Robert held the wapentake of Salford, by sergeanty.—[Baines's Lancashire, vol. ii, p. 144.]

In the new edition of the *Monasticon Anglicanum* of Dugdale, King John's confirmation to the monastery of Lenton, in Nottinghamshire, of the Cluniac hermitage of Kersal, said to have been founded by Henry the Second, has a date assigned to it of the 6th of April, in the first year of the reign of John, A. D. 1199.

Since this account was printed, I discovered in the "*Rotuli Chartarum*," the charter to which this

statement refers:—and, it is worthy of remark, that the document appears to be the same which Hollinworth assigns to the date of Edward the Second. His statement is as follows:—

"Edward the 2nd" [he should have said King John] "gave and graunted, or rather confirmed the Hermitage of Kershall (which had bin given and graunted by his predecessor), to the monkes of Lenton in Nottinghamshire, to have and to hould it in puram et perpetuam eleemosynam, as freely, peaceably, quietly, and honorably as Hugo de Burun (who gave certain lands to that monastery and became a monke) had held the same."

This account, furnished by Hollinworth, inaccurate in point of date, will be illustrated by an extract from the *Rotuli Chartarum*, vol. i, part 1, p. 56.

Anno primo Johannis. Johannes Dei gracia Rex Anglie &c.—Sciatis nos concessisse &c.—ecclesie Sancte Trinitatis de Lenton et monachis ibidem Deo servientibus \* \* \* Concessimus et hac carta nostra confirmavimus eisdem monachis de Lenton pro salute nostra et [progenitorum] predictorum nostrorum et pro animabus Henrici Regis patris nostri et Henrici Regis avi patris nostri et antecessorum nostrorum hermitagium de Kershal cum omnibus pertinenciis suis in liberam puram et perpetuam elemosinam Quare volumus et firmiter precipimus ut predicti monachi nostri libere et quiete in paco et honorifice teneant predictum hermitagium sic[ut] Hugo de Burun monachus eorum liberius et quietius tenuit.

We also learn from the foregoing document that the Hugo de Burun, who, as I have recorded, gave various lands at Cotegrave, in Derbyshire, and elsewhere to the priory of Lenton, assumed the cowl, and retired, as a Cluniac monk, to the hermitage of Kersall, of which he became the first monk. This recluse was the grandfather of Robert de Burun, who, in the 1st of John, married Cecilia, daughter and heiress of Sir Richard Clayton, whence sprang the Lancashire families of the Byrons of Clayton, and Barons of Rochdale.—[Baines's Lancashire, vol. ii, p. 617.]

But to return to the hermitage of Kersall. It would appear that some of the land contiguous to the cell of Kersall, had been in possession of the Hulton family, and it is not improbable that, with the view of adding to the land of the hermitage at Kersall, Jornocchio [or Jorwerth] de Hulton was allowed, in the same year, to surrender certain possessions, namely, the woods of Barton and the wood of Kershall, in excambion for the crown lands of Pendleton villa, in the parish of Eccles.

The lands of Pendleton, thus acquired by the Hulton family, were described, at first, as "*Penes*

Hulton," whence the subsequent corruptions of Penhulton, Pennelton, Penelton, Penyeltan, and, lastly, Pendleton.

§ 9. ROBERT GRESLET RESISTS THE TYRANNY OF KING JOHN.

In 1215, during the quarrel of the king with his barons, in which England became tributary to the Roman see, Innocent the Third excommunicated all such as were employed in invading John's dominions, or otherwise rendering aid to his enemies at home or abroad. Among many barons thus placed under the censure of the church, was "Robert de Gressei," or Greslet.

Two years afterwards, in the 17th of John, we find Robert de Greslet present when Magna Charta was signed. His name was appended to a deed dated on the 20th of June.

In the course of the year following he appeared in Rutland and in Leicestershire, where he was in arms against the king, upon which, Adam de Yeland was ordered to seize, for the use of the crown, the castle of Manchester, as is shewn in John's epistle to the sheriff of Lancaster, dated on the 7th of February, in the seventeenth year of his reign. "The king to the sheriff of Lancaster, health. Know, that we have committed to our beloved and faithful Adam de Yeland the castle of Robert Greslet of Maincestr, with all appurtenances, and all the land of the same Robert which he had within the Lyme [*infra* Lymam] to be held so long as it shall please us. Wherefore we also command, that you may direct full saisine to be made to the same Adam of the aforesaid castle, with appurtenances, and of the said land within the Lyme."—[From the Rotuli Litterarum Pat., vol. i, part 1, p. 165.]

There is no question but that by this castle old Mancastle was implied, which, notwithstanding a subsequent removal of the baronial residence from Alport to a newer site near the confluence of the Irk and the Irwell, would still be kept up for purposes of defence, as a garrison to the town. This seems, however, to have been the last occasion when old Mancastle was recorded in history. It is stated that while this order for the seizure of Manchester continued in force, Ranulph de Blundeville, the sixth Earl of Chester, who had then the custody of the Honour of Lancaster, executed the office of sheriff by his deputies; and, as Robert Greslet had taken part with the rebellious lords, his earldom was forfeited and seized.

The king, however, was desirous to give the baron of Manchester the opportunity of renewing his adherence to the crown, and sent letters of safeguard, dated from the day of Circumcision, in

the seventeenth year of his reign, A.D., 1216, to last three weeks. He also granted to William Maresa, the younger, and to Hugo de Vivian, all the land which was Robert Greslet's, in order that wherewithal they might be enabled to better support the royal cause—which cause, however, was far too tottering for orders such as these to be executed.—[Rot. Litt. Patent., vol. i, part 1, p. 162 and 169; and Rot. Litt. Claus., p. 311 and 313.]

During the continuance of the reign of John, spiritual dominion, or the influence of the clergy, waxed still stronger, while the temporal power fell into a nullity. This progress, however, of the church towards domination, was not made without great efforts of resistance by the temporal authorities. The barons having been excommunicated, and Magna Charta having been adjudged by the pope to be degrading to his vassal the king of England, the nobles in revenge offered the kingdom to the French, which offer was the signal of a bloody war. But, in the mean time, the reign of John was drawing to a close. During his military progress from Lynn to Sleaford, while crossing the Lincolnshire marshes, after having lost the whole of his baggage and narrowly escaped with his life, he rested at the monastery of Swineshead (founded by the ancestors of Robert Greslet), where, from fatigue and anxiety, he died.

After this event a new state of things ensued, and Robert Greslet found himself in quiet possession of his estates in Lancashire and other counties.

§ 10. ALBERT DE NEVILLE, RECTOR OF MANCHESTER.

In the Rotuli Curie regis, vol. ii, p. 161 and 184, we find the name mentioned of an Albert de Neville, who, like many other succeeding rectors of Manchester, seems to have been as much, or nearly so, employed in the secular concerns of his patron, as in the spiritual affairs of his incumbency. Robert Greslet, during the troubles of the reign of John, had been called to account for having broken his surety, or pledge, in detaining and assaulting Hugo Scott, a deputy lieutenant of Rutland, in the course of his duty. Accordingly, in the law plea which ensued to determine the extent of the injury, Robert Grelle is said to have nominated in his place Albert de Neville, that is, made him his attorney, while Hugo Scott appointed on his side Robert the Clerk.

That an Albert Neville was rector of Manchester is proved from a document discovered by the late Mr. Palmer, architect, of Manchester, among records collected by Keurden, and deposited with the College of Arms. It is the copy of a deed, in which Albert de Neville conveys land in Newton

to a member of the Byron family,—which family had about this time acquired, by marriage, some estates in the neighbourhood of Manchester. Thus we read of a Robert de Byron, who having married Cecilia, daughter and heiress of the lord of Clayton, became possessed of the manor of Rochdale; but, it is added, that Failsworth and Droylsden were afterwards added to the estates of the family. In the present deed (which I fear is rather imperfectly transcribed), we meet with a John de Buran [or Byron].

Nouerint presentes q'd Albertus de Neuille rector ecclesie beate Marie de Manchester de' [dedit]. Joh' de Buran pro hom'gio suo qu'ndam ptem terre mee in Newton infra [intra] has diuises vid't incipiendo à Medelac p Shitefaldclogh [the abruptly shelving clough? A. S.] ascend' usque ad Blacklash et p Blacklash ascend' usque ad caput de Kirksaagh et sic usque in rivulum de Faylsworth et descend' usque ad Medelach descend' usque ad Shitefaldclogh Hab' de me redd' 3, 4 [3 solid' et 4 denar'] [et?] 2 cerios 1<sup>da</sup> ad Ass. B'. Marie. Test' H. de Neuille Walt de.....Roberto de Astuton [Ashton?] Ric'd de Bureen Rob'to de Bureen Rog' de Midleton Alex' de Pilkington Jordano Noreues H de Trafford Rad de Moston Ric'd Clerico.

It would thus appear that Albert de Neville conveys to John de Byron certain lands in Newton (the boundaries of which are carefully particularised), in consideration of a rent of three shillings and fourpence annually, and two wax candles of a pound weight, to be paid at the feast of the Assumption of the Blessed Mary.

§ 11. WAS ALBERT NEVILLE A DEAN RURAL AS WELL AS RECTOR OF MANCHESTER?

As the first recorded name of the rectors of Manchester is that of "Albert Neville," the question before us is suggested by the assertion of Mr. Whittaker, in his history of Manchester, that, from the seventh century, the persona ecclesie of Manchester was a rural dean. But with whatever success the inquiry may have been treated by the historian of Manchester, a far more important light has been thrown upon the character of the rural deans of England by the elaborate researches of Mr. Dansey. In expressing, therefore, my very great obligations to the reverend and erudite author of the *Hors Decanice Rurales*, for the assistance which he has rendered me in the course of this inquiry, I shall refer in a general manner to his work for most of the information on the subject of rural deans, which will appear in the subsequent pages of this work.—[*Hors Decanice Rurales*, &c. By William Dansey, A.M., &c., 2 vols., 1836.]

It has been already shewn, that upon the abolition of rural bishops (chorepiscopi or periodeutes) presiding over regions surrounding the chief city of the urban bishop, it was common to appoint for each district a parochial visiter, named an archipresbyter, or archpriest;—"presbyterorum primus prefectus." In some districts, however, ten parishes, ten churches, or ten priests were variously assigned to the superintendence of the archpriest, when he became a decanus, or dean; while, at the same time, a decanatus, or deanery, expressed a tract of country in which were ten parishes, or, otherwise, ten churches. It would likewise appear that many bishops divided their respective dioceses into decennaries, deaneries, or tithings, each of which was the district of an archpriest, now named a rural dean, who exercised his functions under the title of decanus episcopi. The date in which such a distribution occurred is assigned to the close of the eighth, or the beginning of the ninth century. But there is no evidence to shew that the modelling of archipresbyterates into rural deaneries was universal in England. It is merely urged that when such a modification did actually occur, the archpriest previously existing in an ecclesiastical district, acquired the new title of rural dean.—"Archipresbyteri qui et decani rurales appellantur."

The origin of this very early and systematic aggregation of ten persons, or localities, over which a decanus was the president, is lost in the mists of antiquity. In the civil constitution of the Saxons, the decenna was the compass of mutual responsibility, within which each man was pledged; it included ten householders, who were severally bound for the peaceable behaviour of each other. In the ecclesiastical institutes, not only of the Saxons, but of certain other nations of Christendom, the decanus, or dean, like the decennarius, or chief person of ten householders, was the president of ten persons, or places, or of both together: for instance, in monasteries, he was the president over ten monks;—decanos vocant ed quoddam sint denis prepositi;—in metropolitan towns, or cathedrals, over ten prebendaries; and in a group of rural churches, over ten clerks, &c.

Mr. Whittaker, without the shadow even of a proof, has placed a dean rural in Manchester so early as the seventh century. But Mr. Dansey conceives that it was not until the eleventh century that, with the view of bringing multiplied parochial cures within the pale of discipline, a certain number of incumbencies, or presbyteries, were thrown together, so as to constitute an archipresbyterate (districtus archipresbyteri ruralis), over which the elder priest (the archipresbyter) presided. In 1062, such an archpriest is recorded in

England under the title of *decanus episcopi*. He took cognizance of any violation of the peace within his deanery, and, conjointly with the earl and the king, received a share of the amendment, or fine, of eight pounds awarded upon it;—the king's share being one hundred shillings,—the earl's fifty,—while the dean received the remaining ten shillings, the number of which was symbolic of his office of decanus, or decennarius:—"Decanus autem episcopi in cuius decanatu pax fracta fuerit reliquos decem."

After an archipresbyter had been thus modelled into a decanate, it is supposed, by Mr. Dansey, that the office became somewhat secularised, and that the *decanus episcopi* was converted into a sort of country magistrate, and was empowered to have the sole inspection of the group of clergy and laity among whom he dwelt; that he was less a mere diocesan mandatory, than a local incumbent, invested with a capacity to visit and correct defaults within the sphere of his jurisdiction. Nor was it an office much coveted:—"Ruralis archipresbyter non dignitas est, sed simpliciter ad episcopi voluntatem revocabile officium."

It is thus shewn, that instead of a dean rural having existed in Manchester so early as the seventh century, according to the proofless assertion of Whittaker, there is no evidence of his identification in England previous to the eleventh century. During the twelfth century, the name of dean rural becomes much more familiar to us. In the sister kingdom of Ireland there existed the "Corb" (deduced by a barbarous contraction from *chorepiscopus*), who, in 1152, was succeeded by the dean rural. The churches which had been the seats of prelaties were made the capitals of deaneries; and, in lieu of the *chorepiscopi*, there was instituted in them archpriests, or rural deans. In 1175, a rural dean is recorded in Norfolk; and, in 1186, a dean of Craven was, according to Whittaker (the historian of Whalley), rector of Arncliffe, in Yorkshire.

The rural dean having been thus traced from the eleventh to the close of the twelfth century, we naturally arrive at the question,—If, at the close of the reign of John, or during the commencement of that of Henry the Third, a dean rural was to be found in Manchester?

It is certain, that the absence of any such a title in the designation of Albert de Neville, who merely styles himself "Rector of the Church of the Blessed Mary of Manchester," discountenances any assumption of the kind, and even tends to the direct invalidation of what Whittaker has advanced. At the same time there is no ground for the disbelief that Manchester did not, in the twelfth century, form a central parish within a group of ten similar

districts, such as can be proved to have subsisted a century later. But it must be kept in view, that any one of the persons ecclesiae, to be found in such an aggregate of parishes, might have been created by the bishop a superintendent over the whole, in the quality of a dean rural.

The proper inquiry then is,—Which of the incumbents contained within the rural deanery of Manchester held, at the close of the twelfth century, the office of rural dean? Was it the incumbent of Manchester, Eccles, Prestwich, Bury, Middleton, Rochdale, Ashton, Flixton, Blackburn, or even Whalley?

The question cannot be answered by any known existing records. Nor is there any reason for supposing that the rector of Manchester was also of necessity the rural dean. On the contrary, we are assured that the *decanus ruralis non est perpetuus*—sed est amotivus ab officio ad nutum superioris, cuius est minister.—[Decan. Rur., vol. i, p. 144.]

#### § 12. THE REVERENCE WITH WHICH THE CLUNIAN MONKS OF KERSALL WERE HELD.

The fame of the Cluniac order had at this time attained so great a height of celebrity, that there was scarcely any place in Europe where the order was not known. By the supreme dignitary, or abbot, of Clugni, Christendom was divided into ten provinces, generally containing more or fewer establishments of their order, of which England and Scotland formed one united province. Within the priory of Lenton, in Nottinghamshire, the establishment of the order was supported with no little cost. There was a great prior, deans, a cloister-prior, chanters, masters for the boys, a prechanter, a cupboard keeper, who kept the books in use for the church, chamberlains, who took care of the clothing, a treasurer, a cellarer [a master of the guests], an almoner, and an infirmary keeper.

Some curious incidents are recorded of the Cluniac rule, from which it will be inferred, that the monks introduced to the cell of Kershall were devout, abstemious, charitable to the indigent (among whom they distributed what was left in their refectory), hospitable to poor travellers, promoters of the cultivation of music, and assiduous in the labour of public education. To their object in fixing their cell, or cells, near the dangerous fords of the Irwell, sufficient explanation has been already given.

These estimable qualities form prominent traits in recommendation of their discipline, which otherwise might appear trifling, and even fastidious.

Thus, among various observances, they were remarkable for the extraordinary care with which they solemnized the sacrifice of the mass. In prepar-



ing the bread used for the Holy Eucharist, they selected the wheat grain by grain, washing it carefully and transferring it to a bag devoted solely to that sacred use. This bag they entrusted to a servant, a just man, who carried it to the mill, the grindstones of which had been previously washed and covered with curtains above and below. The servant then put on an alb [an ample white linen tunic with sleeves], and covered his face with a veil, through which nothing but his eyes appeared. The meal underwent a similar precaution, and was not boulded until it had been well washed. The warden of the church, or, in his absence, a deacon, next appeared, who with two other fellow-labourers, monks of the Cluniac order, aided by a lay brother specially appointed for the purpose, completed the holy task. After matins were ended, these four men washed their faces and hands. The lay brother then retired. The remaining three put on albs, and while one of them washed the meal with pure clean water, the other two baked the hosts in the iron moulds. In their devotions they sang every day two masses. On the three days before Easter, all the monks received the communion. Upon Holy Thursday, if any one celebrated the ordinary mass before the grand or solemn mass was sung, he made use of no new light, because the new fire had not then been blessed.

Music and singing were highly cultivated by the Cluniac monks, who brought up boys of good family, arrayed in the habit of their order, to serve as choristers. After the 13th of November, upon the conclusion of matins, the elders would remain in the choir, while the younger monks would retire for the purpose of being taught to sing. It is even recorded, that while the monks were at work, they recited the Psalms.

In the course of these regular exercises, they were careful that no one among them should be interrupted by vain discourse. Silence by day and by night was strictly observed,—not to be broken before the hour of prime, when they made use of signs instead of words.

Their abstemiousness was much commended. After the 13th of September, one meal only was allowed, except on festivals of twelve lessons, or within the octaves of Christmas and the Epiphany, when they had two meals. After complin [or completorium, the last service of the day] they were never permitted to eat anything, nor to receive any gifts.

Their charity was great. All the remains of the bread and wine, saved each day in the refectory, were distributed among poor travellers. During Lent, their bounty was profusely shewn in their gifts to the indigent of salt fish and other alms.

Moral vigilance was greatly promoted among them by a mutual and public declaration of faults.

And, lastly, the cause of education was advanced. Young people committed to their charge were brought up with exemplary care, who, it is stated, had the same education bestowed upon them that the sons of princes received within the mansions of the great.

From this account which has been handed down to us of the customs of the monks of Clugni, as they were met with in England as well as abroad, it will be at once seen how valuable the small religious community of Kershal, perhaps not exceeding twelve in number, must have been to the social state of the towns and vicinity of Manchester and Salford.

Some proofs of the reverence with which the monks of Kershal were regarded, are capable of being traced. The parishioners of Manchester sought for the ecclesiastical sacraments of Kershal, in preference to such as were administered by the secular clergy of the mother church of Manchester. They tendered these monks oblations, in return for the last solemn offices administered to the dying, and for the holy rites of sepulture.

On the other hand, nothing can be more unsatisfactory than the earliest known state of the secular clergy of Manchester, as portrayed by the parishioners of the town in a solemn protest made during the fifteenth century, upon the occasion of the Manchester College being founded. They alleged that, in by-gone days, the rectors had been very rarely [perraro] accustomed to personally reside in the parish;—that sacred offices had been filled by stipendiary and remote chaplains,—that there was a great neglect of the cure of souls,—a diminution of hospitality,—and a defrauding of the support of the poor.

Although it is highly probable that tradition might have exaggerated this early state of the Manchester church,—yet that there existed some grounds for the serious charge, is open to no reasonable doubt whatever.

#### § 13. ALBERT DE NEVILLE RESISTS THE INFLUENCE WHICH THE MONKS OF KERSHALL HAD ACQUIRED OVER THE PARISHIONERS OF MANCHESTER.

The charge of Albert de Neville against the monks of Kershal was threefold:—

First, he complained, that the lands which had been granted by charitable founders to the cell of Kershal, paid no tithes to the mother church of Manchester. Now, it is certain that at this particular period, among other inconveniences in the founding of monasteries, the alienating of parochial



tithes towards their support was one of the foremost, which was not corrected until the close of the reign of Henry the Third. In the mean time, Albert de Neville resisted this appropriation of tithes, and induced the prior of Lenton [the superior of the attached cell of Kershal] to agree, that he would pay two shillings annually in lieu of tithes, so long as he should cultivate the land appertaining to the monks at his own expense.

In the second place, with regard to the complaint that the monks of Kershal administered the rites of sepulture to the prejudice of the mother church of Manchester, the prior of Lenton promised, that no parishioner for the future should be admitted to the rites of burial; and, as a peace-offering for the cemetery thus reserved exclusively for the monks of Kershal, he consented to pay annually two wax tapers, of a pound and a half in weight, at the feast of the Assumption of the Blessed Mary.

And, thirdly, the prior of Lenton consented that the parishioners of Manchester should not be admitted for the future to any ecclesiastical sacraments, in return for oblations.

It must be confessed that the rector of Manchester drove rather a hard bargain with the worthy prior. A copy of the deed of agreement was copied for me by the late Mr. Palmer, from the manuscript collections of Kuerden, in the possession of the College at Arms.

*Omnibus sancte matris ecclesie filiis E. Eliene Ep W Priori de Bracerval &c. Inter A de Nevill rectorem de Manchester et priorem de Lenton sup' cimiterium de Kershal et ejusdem loci decim' sc: Prior prestabit an'uatim pro bene p'fe cemet'rii ecclesie de Manchester ij cerios j<sup>l</sup> et dim' ad Ass beate Marie Et Prior promisit q'd nullus parochianus Matricis ecclesie de Manchester admitt' ad aliq' ecclesiastica sacramenta ad oblationem et sepulturam Et ij sol' pro decimis illius loci dum terram illam propriis sumptibus excolunt dabunt. Test. M'ro Rob de Ebor M'ro Jo de Templo M'ro Olivera M'ro H de Kent M'ro Rob de Bosca et alii.*

The date of this deed is indicated by the mention which is made of Eustachius Eliensis, who was bishop from 1198 to 1219. The name of the prior of Lenton is uncertain. Nothing is known of the first who is recorded in the archives of the monastery, except that his name was "Peter." He was elected not far from this time, namely, in the 14th of John, 1213.

It may lastly be observed, that this litigation between the rector of Manchester and the prior of Lenton, is in perfect keeping with the violent contentions which had commenced in the time of

Henry the Second, between the regular and secular orders,—contentions which were continued without intermission in succeeding reigns. The monks, who professed that they were subject to no jurisdiction except that of the holy see, resisted any interference with their privileges on the part of the metropolitan and bishops, and asserted their exclusive right to institute to all benefices belonging to their presentations. But this collision of interests did not even end with the question of benefices. In whatever part of England a religious house was founded, some contention or other with the parochial clergy inevitably followed.

In Manchester, as well as in other parts of Lancashire, it will be evident, that the regular orders were a popular party. Thus, about the present time, Roger de Laeye made over the church of Rochdale to the abbey of Stanlaw, which was followed up by a magnificent grant of Andrew de Merland of lands in Scotland.

Preaching and minor friars had also appeared about the reigns of John and Henry the Third, who in their teaching usurped the functions of professors, and thus added still more to the spiritual influence exercised by the monastic orders.

#### § 14. ROBERT GRESLET RESIDES AT MANCHESTER.

According to Kuerden, Robert Greslet was the first of the Greslet family who made Manchester his chief place of residence; but the question is, whether he dwelt at Manchester, situated in Aldport [or the old town], or, otherwise, at the more northerly and later fortified site of the Baron's Hull, near the confluence of the Irk and the Irwell.

Many centuries after the departure of the Romans, the castrum continued to subsist, which, according to Whittaker, was an irregular parallelogram one hundred and forty yards long, bounded on the southerly side for an extent of one hundred and seventy-five yards by the irregular course of the Madelach, on the west by a high bank and morass, on the north by a long and broad ditch, and, on the east, for the distance of a hundred and forty yards, by an artificial fosse. Within this fortified enclosure stood the old Saxon fortress of Manchester, built by Edward the Elder, which, in the Norman era, does not appear to have been entirely abandoned, as there was found about seventy years ago, near its site, a large manorial sword about five feet three inches long, which was evidently a sword of state, used on formal or ceremonial occasions, when the baron held his court and view of frank pledge, or when an oath of fealty was administered to his vassals. But it is a question, if the castle was then considered

habitable, or a fit residence for the lord of the barony.

Manchester was then described as contained within the park of Aldport, about a mile in circumference, through the middle of which ran the Medelach. The grounds exhibited a valuable investment of oak, and were in the process of being used as a pannage, or pasture of hogs. According to a manorial survey of a later date, Aldport yielded an acre of hawks, together with herons, eagles, honey, and bees.

From the site of Aldport, or the older town, might be traced, in a northerly direction, the ancient Roman road leading eventually to Ribchester, the supposed *Coccitum* of the *Itineraries*. In quitting the Mancunian station, the road traversed a locality, variously named the Brendorchard, or Waller Green, which is described as lying between Aldport and the rectory of Manchester.

The rectory of Manchester, indicated by the site which is still named "the Parsonage," lay at a distance of half a mile from Aldport, on the westerly limit of the Ribchester road. It was at the entrance of the newer town.

Opposite to the Parsonage, on the easterly side of the road, was a site of ground, amounting to about six acres and a half, whereon an ancient fair was held. It is also a conjecture, but nothing more, that, adjoining to this site, a church had been built, which was dedicated to Saint Matthew.

To the north of the Parsonage, on each side of the Ribchester road, we may suppose the houses of the newer town of Manchester to have been built, which at least extended as far as St. Mary's-gate, so named as the avenue which led to the parochial church of the town. Whether, during the time of Robert Greslet, Manchester was continued much further north may be doubted.

Beyond this point the Ribchester road was diverted by a gradual descent towards the west, to the chief passage across the Irwell, named Salford; while its continuance in a northerly direction was interrupted at right angles by the presence of a deep dell, named, in Lancashire and other northerly counties, a *DENE*, signifying, according to Dr. Bosworth, in his Anglo-Saxon glossary, "a valley." This dene, or natural ravine, contributed to the enclosure and defence of a peninsular area of ground, doomed to be the future residence of Robert Greslet. It formed the channel of a small stream, caused by the drainage of certain lands to the north-east of the town, which, in turning an ancient mill, imparted its name to the "Old Mill-gate," of Manchester,

and then fell into the bed of the Irwell, near the ford or crossing place of Salford.

The ground, thus naturally fortified, was bounded on the west by high banks and the waters of the Irwell; and on the north by the river Irke, near its confluence with the Irwell. On the north-east, however, a small space intervened between the Irke and the commencement of the dene, or valley, which became artificially strengthened by a fosse. The remaining portion of the defence, on the east and south, was formed by the dene.

There is a very great probability, that when Saxon Manchester was first removed to its more northerly site, this peninsular area, thus naturally fortified, would suggest to the thegn a convenient place for habitation. But there is a very great doubt whether much of the artificial modelling had taken place before the time of Robert Greslet, who, according to Kuerden, was the first Norman baron reported to have dwelt in Manchester. From this time, the name which is bore in ancient charters would be first applied to it, namely, of "the Baron's Hull,"—the term "hull," according to Dr. Bosworth, being a Saxon expression for "hill."

Lastly it may be mentioned, that the portion of the Roman road leading north from Aldport, until it was met at right angles by the dene, or valley by which the Baron's Hull was fortified, thence acquired the name of the Dene's-gate, now a crowded street of Manchester. The Roman road, after descending within the valley, or dene, was conducted across the rivulet, near a spot still known by the name of the Hanging-bridge, from which it ascended to the level of the peninsular site just described, and thence along the high bank of the Irwell to the Irke, which it crossed near its confluence with the Irwell. At this point, therefore, we shall quit the Ribchester road, which was directed towards Strangeways and Stony Knolls, and thence to its ultimate destination, in order to describe the civil jurisdiction which Robert Greslet exercised over the barony of Manchester.

#### § 15. THE CIVIL JURISDICTION OF ROBERT GRESLET.

It has been the remark of later historians, that the Conqueror did not make that extensive change in Saxon institutions which has been ascribed to him;—and as for William Rufus, he was too much employed during the thirteen years of his reign in securing himself from baronial conspiracies, to busy himself in remodelling the internal constitution of the kingdom. Neither did Henry the First do much more than sanction the permission, that a few old edicts should fall into disuse.

Under these circumstances, the spirit of the Anglo-Saxon laws continued in full force during the eleventh, twelfth, and even thirteenth centuries, the rationale of which may be now described.

The system of Saxon jurisdiction was based upon two principles, namely, residence and a mutual pledge of responsibility to the laws, whereby was produced, in every habitable district, an efficient local police. Thus, in the reign of Edward the Elder, the folk-mote, or king's gemote, was held in divers parts of the kingdom, to which all men having a fixed residence were compelled to do suit and service, pledging themselves to unite as sworn brethren (*conjurati fratres*) to keep the king's peace.

Again, in the course of events, local judiciary divisions were organised under the general name of shires, over which, in Saxon times, an officer of the king, or princeps, often in conjunction with a bishop, presided. He was usually an earl, or eolderman, who bore the name of reeve (*præpositus*).

The duty of shire-reeves extended over hundreds, or wapentakes [variously named shires, as, for instance, Salfordshire], as well as over the larger counties. The shire-reeve, or sheriff, preserved the king's peace by rendering it imperative on every man by his own oath, and by his pledges, to be forthcoming at all times, to do what justice required of him at the mote of the shire, within which he was localised.

The sheriff's tourn, or circuit, was generally made twice a year, namely, once at Easter and again after the feast of Saint Michael, when the mutual pledge of all persons was received, so as to constitute "the view of frank pledge." Every one who owned land and house was required to be put in decennary, that is, under the mutual pledge of ten householders, who, when thus linked together, formed a decenna, dixene, or dozein. He was also enjoined obedience to the chief pledge of his decenna [the decennarius], as well as to the king.

It was likewise required that retainers or domestics should be in manupast pledge, because no one might turn away his servant until purged of all crimes with which he might have been previously charged. He who was at board and clothing, or at board only, was regarded as a menial, or hiring of the house, of the "manupast" class of domestics, for whom the master was amenable. Even guests of three nights, for whom the host became responsible, were required to be in pledge. In short, every resiant, or householder, was made responsible for the due regulation of his house and the conduct of his guests, or inmates, and if any infraction of the pledge occurred, compensa-

tion was made in the hundred, wapentake, or barony, to which the offender belonged. Persons were also sworn to make public inquiries, and to decide public allegations. Nor, according to the laws of Edgar, could any one appeal to the king, unless he was denied law and right at his own domicile.

The penalty of a man not rendering himself "law-worthy," or under the protection of the law, was very great. According to the edicts of King Edgar, any one who did not attend the gemote was "a laughlesman," and the same if he withdrew himself from judgment. A limitation of forty days was assigned to excuses for not appearing, unless gone to Jerusalem, when a year and a day were conceded;—but failing, *omnem legem terræ amittet*. Minors, however, could not be outlawed before they were twelve years of age, because before that time they were not under law, nor in decenna. As for women, they could not, under any circumstances, be outlawed, because they were not "in laugh," that is, in frank pledge or decenna.

Originally, the jurisdiction of Manchester was involved in the more general one of the shire, or wapentake of Salford, within which the town was comprehended. But, subsequently to the Conquest, the wapentake of Salford became greatly reduced in the sphere of its jurisdiction. This was in consequence of the extensive grants of baronies and manors which ensued;—such grants having been accompanied with the privileges of holding lords' courts. It was likewise a maxim of law, laid down in the reign of Henry the First, that a man of one manor was not obliged to plead in another locality; and that persons were subject to legal responsibilities only where they resided. Hence it followed, that in the time of Robert Greslet, little more was meant by the wapentake of Salford than the jurisdiction of a few manorial possessions diffused throughout the hundred. At the same time, the lords of such manors as had been exonerated, or nearly so, from the more general jurisdiction of the wapentake or hundred, among whom was the baron of Manchester, were still held under the obligation to render personal suit and service at the elder court.

The town and wapentake of Salford have been described as the hereditary possession of the earls of Chester, but owing to Ranulf de Blundeville's frequent absence in the wars, the wapentake had been held, in the 1st of John, by Elias Fitz-Robert by sergeanty, and in the year 1228 by William de Ferrars.

The exact number of baronial lands, or manors, included within the immediate jurisdiction or

wapentake of Salford, in the time of Henry the Third, is unknown; but, in the early part of Edward the Second's reign, the proprietors who owed fealty to the lord of the wapentake, possessed lands, some of them widely dispersed, which may be described in their respective geographical bearings from the town of Salford, after the following manner:—To the north-east, north and north-west, Chetham, Burghstown, Prestwich, Tongue, Holonot [Hollinhurst?], Sholesworth [Sholwer, near Royton?], and even such remote localities as Blackrod and Rivington;—nearer to Salford, on the west, Ordsall, Penulbery, Clifton, and Werkelegh, and, on the south-west, Flixton, and Cadeulheued [Cadishead?];—on the south, Hulme, Chorlton, and Radish;—[Harleian MSS. apud Baines, vol. ii, p. 144.]

To the family of the Greaslets a very early grant of baronial jurisdiction, distinct or separated from that of the wapentake of Salford, had been conceded. This is shewn in a record of the fourteenth century, where it was formally pronounced, that "time out of mind," the town of Manchester had been held as a market town, enjoying certain privileges as *soc*, *sac*, toll, them, *infangtheof* and *outfangtheof*, waif and stray, gallows and tumbrel, and punishment of butchers, tanners, and retailers.

*Soc* has been supposed to generally imply the privilege of separate and distinct jurisdiction over the territory which belonged to, or owed fealty to the lord;—*Sac*, to indicate the privilege of taking the issues and profits of the court;—*Toll*, to express the lord's profit from buying and selling;—*Them*, to relate to the forfeiture of stolen goods;—*Infangtheof*, to denote the competency of a lord to judge any thief arraigned within his fee;—*Outfangtheof*, to mean the power whereby a lord could summon any man dwelling within his manor to judgment in his own court, although taken for felony in another place out of his fee;—and *Waif and Stray*, to signify that the goods stolen and waived, or left by the felon, when for fear of apprehension he absconded, became forfeited to the lord of the manor.—The tumbrel, or cuckstool, in use among the Saxons, was named in the *Dom-Boec* the *cathedra stercoraria*. The Manchester stool, shaped like the well-known Lateran chair of stone, was, according to Whittaker, who wrote in 1775, an open-bottomed chair of wood placed upon the end of a long pole, balanced upon a pivot, and suspended over the large collection of water (an expansion of the river Tib) at Pool-house, or Pool-fold. This site was also called the "Plungeon or Plunging-field," a name which, in the seventeenth century, gave rise to the vulgar

term of obloquy bestowed upon the Presbyterian meeting-house, north of Tib-lane, of "Saint Plungeon's Chapel." The tumbrel was afterwards removed to the water of Danb Holea, now the Infirmary pond, where, as Whittaker adds, it was used to punish common scolds and common prostitutes. The same author remarks, that the brewer of bad ale was often placed on the tumbrel, or, in commutation for this punishment, was fined four shillings.—It is uncertain where the furcs, or gallows, were placed,—perhaps on the rising ground near Tib-lane, adjacent to the ancient "plunging field;"—nothing having been more common in feudal times than the mutual propinquity of "pit and gallows." Near the town of Salford, according to Whittaker, the existence of a gallows long gave its odious name, "the Gallows-field," to a site of ground leading from Boat-house-lane towards the Lock, and opposite to the Great Hulme Meadow.

It may be remarked, in the next place, that the manors, forests, and various infestments included within the barony of Manchester, were straggling in the extreme; the interval, for instance, between such remote points as Heton Norris on the Mersey and Breckholes on the Ribble, or, on the other hand, between Ashton-under-Line on the Tame and Childwall in the West Derby Hundred, being respectively no less than thirty-five miles. Hence, the barony was conveniently divided, in reference to the surveillance necessary to the functions of the lord's bailiffs, into two bailiwicks, namely, into an upper and into a lower bailiwick. As the support of the bailiff and his assistants was thrown upon the tenants, we learn, from manorial details connected with the enforcement of this regulation, the geographical limits of the two bailiwicks.

In the upper bailiwick of Manchester, which comprised the places most distant from Manchester, namely, such manors, woods, &c., as were found in the Amounderness Hundred, in Leyland Hundred, in West Derby Hundred, or in the more northerly portion of Salford Hundred, we learn that the bailiff and his retinue were to be supported "by the tenants of Farnsworth, Heton under the Forest, Little Leure, Anderton, Burnehill, Anlough, the moiety of Sharplea, Smithell, Westhalchton, Childwall with its members, Dalton, Farbold, Worthington, Writington, Tourton, Bradshagh, Harewood, Halliwell, Breckholes, Ramworth, Locter, Aspull, Midlewood in Hulton, Pilkington, and Longeworth."

The lower bailiwick included all the places within a circuit of not more than six or seven miles in distance from the town of Manchester. The tenantry under the obligation of supporting

the lord's bailiff, were distributed into groups after the following manner:—1st, "of Barton, Flixton, Maunton, Wygleswyke, Irwelham, Hulme, Bromyhurst;"—2ndly, "of Whittinton, Dittsbury, Barlow, Cholerton, Denton, Hallerton (?) [variously Holnton?], Bercles (?), Lywensholme, and le Brockel;"—3rdly, "of Ashton-under-Line, with its members;"—and 4thly, "of Moston, Netehurst, Hulme, near Aldport, and Heton Norres."

The lord's bailiff who had the general charge of these two bailiwicks, was variously named the lord's sergeant. But he was still more frequently stiled *THE GRITH SERGEANT*, which has been correctly interpreted in manorial records as "the keeper of the peace." But it is curious that the term *GRID* is not only an old Frisian but an Icelandic word, frequently met with in the usages of the Scandinavian lawling,—which word (*grid*, or *grith*, *PEACE*) had been probably introduced in Manchester during the sojourning of the Danes.

From the various tenants described, the grith sergeant had support for himself, his boy and horse, and four sub-bailiffs. His functions were to ride about and overlook the lord's demesne, to collect the rents of the lord's out-tenants, to make levies whenever tenants incurred the lord's misericordia (an arbitrary amercement), and to summon or attach transgressors against the liberties of the barony. As this was a very lucrative office, the lord regarded it with some little degree of jealousy, and, therefore, thought proper to require that the grith sergeant should render, for his bailiwick, an annual sum of forty shillings for himself and his retinue.

Some few details of the mode in which the grith sergeant discharged his functions are recorded.

Whenever it became necessary that this officer should visit any particular district in the execution of his duty, proper warning was given to the tenants thereof, who were required to supply him with bread, ale, and victuals, "according to the season," as well as provender for his horse. The order was accompanied by a corresponding demand for the subsistence of the grith sergeant's boy and four sub-bailiffs; but, in this latter case, the food was limited to such only as was usual in the household upon which they might be quartered.

When it was required that some one of the bailiffs should make a distress or attachment, this duty, upon an emergency, might be transferred to any one of the tenants, who would necessarily be sworn to the execution thereof. By virtue also of a custom called "sergeant's bode" (from the Danish and Swedish *bod*, and the Icelandic *bod*, signifying a message or command), every tenant as "ser-

geant's witness," who had been entrusted with making a distress or attachment, was required to give evidence of the same at the court of Manchester.

It was also generally ordered, that if any tenant failed in complying with any of the customs enjoined, he might be impeached in the court of Manchester, there to amend the fault. At this court every trespass was to be tried by which the peace of the lord and his bailiffs was broken;—the trials to be at the suit of the bailiffs, and at the suit of the party.

The lord's court at Manchester was summoned every three weeks. It is, however, stated that other courts were held in the barony, which, for distinction's sake, were named *Hal-motes*. Of these were the *hal-motes* of Barton, Heton, and the hamlets of Manchester, at which the pleas, fines, and amercements were considerable.

It has been observed, that the various manors and infestments of the upper bailiwick of the barony were diffused over a great extent of territory. Owing to this inconvenience, an extra facility was required for the adjustment of such frequent disputes among tenants as related to the extent or privileges of pasture, wood, or moor. Divers judicial localities were accordingly appointed, in which contentions of this kind had a hearing. Of these were Heton-subter-forest, Farnworth, Parva Lever, Sharples, Smithel, West Haughton, Turton, Bradshaw, Harwood, Halliwell, Rumworth, Lostock, Aspull, Middlewood in Hulton, Pilkington, Longworth, and various other places.

From the foregoing description it will be evident, that the preservation of justice, in so wide and scattered a sphere of jurisdiction as characterised the barony of Manchester, would be a charge impossible to be maintained by the personal and unaided attendance of the lord himself, or his seneschal. Hence the onerous character attached to what was called "judge's service," as is shewn in the feudal tenures of Manchester, as well as of other lordships. *Matheus filius Willielmi et Rogerus filius Willielmi tenent feodum unius militis de Roberto Gredle in Wythinton de Antiquitate et debent invenire unum judicem domino Regi.*—Alexander Pilkington also held the fourth part of a knight's fee, and furnished one judge, as by ancient tenure.

Nor was this imposition of judge's service considered to be less burdensome in other countries. It has been observed by Guizot, that among Germans, Bavarians, and Franks, where were anciently seen weekly or monthly assemblies of freemen held in every canton, the necessity of these judicial meetings was less felt in proportion as the social

state became more settled and established. It then became difficult to form such legislative convocations, for which reason coercive means were employed to compel freemen to attend. This, in fact, was the object of such clauses and conditions of tenure as are recorded of the Grealets, lords of Manchester.

At a period rather later than the time of Robert Greslet, we find the judges, who by the tenures of their lands became obliged to assist at the court of Manchester, enumerated as follows:—The lord of Childwall, the lord of the moiety of Harewood, the lord of Whittenton, the lord of Pilkington and Undesworth, the lord of Burnehill, the lord of Rumworth and Lostock, and the lord of Worthington, who owe suit and service, and who are called judges of the court of Manchester.

These officials were also said to be "judges by custom of old in tol, them, infangtheof and outfingtheof, fairs, and markets."

But it must now be remarked, that, at this particular period, the administration of justice in England, as well as on the continent, was undergoing an important change. This was occasioned by the rise of well-trained legists, who were everywhere gradually taking the place of judge-chevaliers. According to Guizot, there was introduced into feudalism another judiciary system, namely, a class of men devoted to the functions of judges. At first they were charged, in the name of the sovereign, to collect the revenues, the rents of Colonies, fines, or amends. At length the proprietors of fiefs began to discountenance the judiciary power which was exercised by judge-chevaliers, giving preference to special magistrates, provosts, or bailiffs. In England a somewhat different process ensued. In the time of Henry the Third the fixing of the Court of Common Pleas at Westminster took place, which led to the establishment of the inns of court, where our municipal laws, which the Universities had excluded, were studied. This circumstance had no little influence in modifying the privileges of baronial courts, and in rendering them less dependent on the arbitrary caprice, or ignorance of judge-chevaliers. It is distinctly stated in the later manorial records of Manchester, that "the pleas should be conducted according to the custom of the common law of England."

This explanation of the civil jurisdiction of the barony of Manchester will perhaps be rendered complete, by noticing its subordination to the sheriff's tourn, which took cognizance of the whole of the districts comprised within the honour of Lancaster.

King John, a year before he died, had granted to Ranulf de Blundeville, the sixth Earl of Ches-

ter, the honour of Lancaster:—"Anno 17 Joh: Rex concessit Rad' Com' Cestr' comit' Lancast' cum toto honore Lancast'. Apud Rading, 13 Apr." As the honour of Lancaster was supposed to be vested with the crown, we must regard Ranulf as having been merely entrusted with the custody of that appendage to royalty; which custody seems to have been occasional, rather than permanent, as, in 1223, it was alternately assigned to William de Ferrara, his brother-in-law, created by King John first Earl of Derby. During many years, from the 4th to the 9th of Henry the Third, Ranulf executed the office of sheriff of Lancaster by his deputies, and, from the 10th to the 18th of the same reign, the office was in a similar manner transferred to William de Ferrara. Other individuals also appear in the list of sheriffs, by whom, unhappily, the trust was often abused.

It has been explained, that while the sheriff's tourn was held twice a year, namely, at Easter and at Michaelmas, the lord's court at Manchester was summoned every three weeks. Such as owed suit and service to the lord's court were not bound to appear at the sheriff's tourn, but simply at the court of the bailiwick wherein they were dwelling. But if any man demanded justice three successive times in the lord's court in vain, he was authorised to repair to the shire mote, or sheriff's tourn, which would appoint him a fourth day. In this respect the design of the sheriff's tourn was not only to render the mutual pledge of peace more comprehensive within the shire or hundred, but also to correct the proceedings of monthly and subordinate courts. And, in instances where lords of inferior tribunals neglected to take cognizance of criminal pleas, the jurisdiction might be claimed as belonging to the crown.

In the next place, the sheriff, as representative of his sovereign, was made responsible that every individual, whether free or bondman, within his jurisdiction, should be held either in frank pledge, or of the manupast [class of domestics] of some one. The law accordingly rendered it imperative that all archbishops, earls, or barons, who had the privileges of soc, sac, &c., should have their knights and proper servants, squires, butlers, &c., in their own fridhburg, there to be held in free pledge. It was lastly ordered, that all persons whatever, with the exception of noblemen, knights, clerks, and the like, should be bound in some place; and that every one serving with, or under the protection of an individual of higher rank in the social scale, should come under the law of manupast [or of domestic service], whereby the charge to produce him in court whenever an accusation was preferred,

became imperative upon the resiant thus held in responsibility for his family, or manupast.

§ 16. THE VIGIL OF SAINT MATTHEW, IN MANCHESTER.

A day of dedication, set apart in every church of Christendom to the honour of some tutelar saint, was ever kept with unusual rejoicing.

In the beginning of Holy Church, as the old MS. legend of Saint John the Baptist relates, the people [in imitation of the primitive *ayases*, or love feasts held in churches] would, at the approach of night, wake, and, with lights burning, come to the church for their devotions; and, after this was done, would fall to lechery and songs and dances, harping and piping, and also to gluttony and sin, and so would turn the holiness to cursedness. This was called the vigil, waking, or eve of the saint.—[Hook's Church Dict., 5th ed., p. 324.]

Historians are, however, mistaken in supposing that the order of Pope Gregory the Great, for changing such riotous feasting and dissipation during a vigil into fasting, was universally successful. Although this lawless mode of celebration might have been somewhat subdued, it was not unknown in Britain at a very late date, particularly in Manchester, where the pageant of Robin Hood was celebrated within the interior of the church so late as the reign of Henry the Eighth. And as for such remote provinces as Orkney and Shetland, I could cite the authority of Brand the missionary, who has shewn that it bade defiance to the austerities of the Presbyterian discipline at so recent a period as the commencement of the eighteenth century.

In fact, all which could be effected in England, and more particularly in Lancashire, was to induce the people to build sheds and arbours round a church for the purpose of eating and drinking, whereby the devotion of prayers and offerings would, in most places, be confined to the interior of the church.

In the course of time, owing to the vigil, wake, or eve being esteemed and claimed as a part of the holiday of the church, the name of wake was applied to the entire of the celebration.

The foregoing explanation has been given with no other view than to establish the fact, that the incident of a vigil in honour of a saint, as, for instance, of Saint Matthew in Manchester, necessarily implied a feast of dedication;—while a feast of dedication, with equal certainty, pointed to the existence of a church dedicated to Saint Matthew.

It was in reasoning after this manner that Mr. Whittaker came to the conclusion, that because a prescriptive fair had been perpetuated at Knott

Mill, in Aldport, the ancient church of St. Michael, Manchester, mentioned in the Domesday survey, must have subsisted in or near that locality. In the case, however, of the vigil of Saint Matthew, the author must have considered it as an exception to the general rule; otherwise, he would never have attempted to shew, by a tissue of conjectures at perfect variance with the ancient practices of the church, that the vigil of Saint Matthew, alluded to in the royal charter, could be kept without the presence or existence of a church dedicated to the evangelist. For instance, about this very time, namely, in the 7th of Henry the Third (1233), it was ordered, in a council held at Oxford, that among other festivals of the church there should be observed, within the proper period, the day of dedication.

Regarding the circumstances which might have led to the foundation of a church dedicated to Saint Matthew, we have no records whatever. There was a MATTHEW Stauersides, to whom an ancestor of Robert Greslet gave a knight's fee in the manor of Manchester, along with other presents. After this occurrence the family name of Stauersides, as well as the knight's fee thus granted, disappear from the records of the barony,—no confirmation of the grant ever occurring. Under these circumstances it may be surmised, that the knight might have alienated "in religione" the property thus granted, for the purpose of endowing a church dedicated to his baptismal saint,—Matthew the Evangelist.

But the validity of such a supposition cannot for a moment be defended. It is a mere conjecture, hazarded for no other purpose than to stimulate to further inquiry.

§ 17. THE FAIR OF SAINT MATTHEW.

The fair, as is well known, was first occasioned by the visit of the faithful to the feast of dedication. When they met in the church yard, booths formed of branches were erected about the church, where provisions were naturally required for entertainment. Little traders were thus induced to frequent these feasts for the purpose of vending their wares, until, at length, a fair began to be considered more in the light of a commercial mart than of a religious feast.

There would at this time, namely, during the monarchy of Henry the Third, have been three fairs kept at Manchester:—

The first was held on Saint Michael's Day. Without resorting to a very forced explanation proposed by Mr. Whittaker, why it should have been celebrated near the holidays of Easter rather than on the 29th of September, it may be suf-

cient to state, that the almanack set apart no fewer than four days in honour of the archangel, namely, the 8th of May in commemoration of the Apparition of Saint Michael, the 8th of June and the 6th of September in celebration of Michael as well as of the holy angels; and the 29th of September in honour of the archangel exclusively. As a consequence, much latitude would be given to the celebration of this feast, which can, in fact, be historically proved.

The second fair held in Manchester would be on the vigil of the mother church, namely, at the feast of the Assumption of the Blessed Mary, celebrated on the 15th of August. To this festival it has been supposed by Whittaker, that the lord of Manchester did not give a preference on two grounds, namely, that it incommoded his tenants during the midst of the harvest, and that it was interfered with by the neighbouring town of Eccles, which held a competing vigil feast and fair at the same time, equally in commemoration of the Assumption. Upon these pleas it is added, that the baron gave a preference to

The third fair,—which was held at the feast of Saint Matthew, on the 21st of September.

Mr. Whittaker has devoted much unprofitable labour towards an estimate of the causes which interfered with the days originally assigned to vigils and fairs,—such causes having had far too remote a date assigned to their respective operations. For instance, it was at a comparatively late date when the bishops gave authority for transferring the observance of wakes to more convenient days, especially to the Sundays, whereon the people could best attend to the devotion and rites required by the solemnity of days of dedication. And, in a later period, Henry the Eighth enjoined that all wakes should be kept the first Sunday in October. Lastly, when the Presbyterian religion prevailed in Manchester during the Commonwealth, an open hostility was manifested towards all saint days whatever, whereby red letter days were exchanged for black letter days. And hence, in the course of a change of style, the fair of Saint Matthew, instead of being held on Old Saint Matthew's Day, the 3rd of October, was changed to the 1st of October.

§ 18. HENRY THE THIRD GRANTS A CHARTER FOR A FAIR TO BE HELD ON THE VIGIL OF SAINT MATTHEW.

Early in the reign of Henry the Third, we find the first circumstance recorded incidental to the emergence of Manchester from the utter state of decadence into which it had sunk, after having been removed from its ancient site, adjoining to the

Roman castrum of Mancunium, or Mancastle of the Saxons, chiefly for the convenience of the safe ford across the Irwell, THE SALFORD. After having fallen under the sway of a succession of Norman barons, who very probably had never honoured the town with anything more than a brief temporary residence, it presented an exception to the state of civilisation in other parts of England, which, since the Conquest, had never once halted. Although it can be proved, that with the Anglo-Saxons a barter had subsisted among foreign nations, yet commerce owed much more to the Norman chiefs, who, in their own country, had been familiarized with the woollens of Flanders, and with the silks of the Italian merchants. Accordingly, from the reign of Stephen, the emigration of Flemings had been encouraged. Weavers in linen and woollen were to be found in guilds, or privileged corporations, while the internal trade was conducted in fairs and markets. In the time of Henry the Second, among articles exported were leather, wool, clothes, and corn; and, in return, were received silks, wines, furs, spices, linens, &c. And again, in the preceding reign of John, the foreign trade had been placed by Magna Charta under the king's protection.

As commerce had created new social wants, they were still further excited by the still newer scenes of gorgeous splendour which had dazzled the eyes of Anglo-Norman warriors in the course of their crusades against the glittering paynims of the east. It was then found that the requisitions of a growing taste for splendour and pageants would be best served by encouraging a number of free artisans to work for their own profit, and for the supply of public marts, rather than by obliging the villains attached to an estate, with their limited stock of knowledge, to be the exclusive smiths, tailors, shoemakers, or clothiers of a circumscribed barony or manor, within the confines of which the rival goods offered by strangers were not allowed to meet with purchasers. Such, in fact, was the abject condition of Manchester during the early years of Robert Greselet, the baron,—a condition, to use the language of Guizot, in which industry had not escaped from domesticity.

At that time, fairs afforded the only medium through which an interchange of commodities, or merchandise, incidental to the new requisitions of society, could be carried on, as the laws by which they were regulated had openness, fairness, and publicity for their sole aim. Edward the Elder had provided, that no man could make his purchases without the town, and that he was to have "the port-reeve" as his witness for their regularity. This precaution was intended to obviate any pro-



miscuous sales made in privacy with the view of forestalling, as well as to throw an impediment in the way of thieves,—which precaution was still further promoted, by rendering it imperative that the bailiff should take a toll for entering, weighing, or measuring. Other edicts also occurred in later days, obligatory upon traders in fairs, not only that every man should buy and sell in the presence of a witness, but that two sworn men should confirm every sale. Hence the selection of the most public occasions for the holding of fairs, such, for example, as feasts of dedication, to which all the faithful belonging to a Christian community were, from religious motives, accustomed to assemble.

Upon these occasions the greatest encouragement was given to foreign merchants, who were to have free ingress and egress in England, as well as liberty to tarry there without being liable to "chimmage" [cheminage] or toll. According to ancient customs, while they were protected in buying and selling, they were compelled to give notice to the reeve of the retinue which they might have with them, for the forthcoming of whom, when required, they were obliged to provide a security;—this was agreeable to the Saxon law of manupast. They were also constrained, if they remained longer than forty days in the realm, to enter into a sort of pledge, like English subjects, and be sworn to the peace of the king.

In short, fairs were the only medium through which an interchange of commodities, or merchandise, incidental to the new requisitions of society, could be carried on, for which reason their importance was so correctly appreciated by the kings of England, that they were not allowed to be held without a royal privilege, for which some pecuniary compensation was demanded. Accordingly, during the minority of Henry the Third, in the sixth year of his reign (1222), Robert Greslet, baron of Manchester, obtained from the regent a charter of license for a fair to be held during two days, namely, on the vigil of Saint Matthew and on the following day of dedication, until the king should be of age, for which he agreed to give a palfrey. [Kuerden says four marks and a palfrey.] Of this charter the following is the only memorandum which I have been enabled to obtain:—

Anno Regni Regis Hen. Tertii 6to., M.3. Lancastria: Robertus Greslei dat domino Regi unum palfredum pro habenda una feria usque ad etatem Domini Regis singulis annis apud Manerium suum de Maincestre per duos dies duratura scilicet in vigilia Sancti Mathai et ipso die Sancti Mathai nisi feria illa &c. Et mandatum est vicecomiti Lancastrie quod capiat &c. Teste Huberto &c. apud Leukenor xi die. Augusti.

In the 11th of Henry the Third (1227) the king came of age, when he ratified the grant which had been given during his minority of the fair of Manchester, and even extended the privilege from two days to three, whence, we may presume, that the experiment of a chartered fair in Manchester had succeeded beyond expectation.

Anno Regni Regis Hen. Tertii Undecimo M.4.

PRO ROBERTO GRESLAY. } H. Rex &c. salutem Sciatis nos concessisse et hac presenti carta nostra confirmasse ROBERTO GRESLAY quod ipse et heredes sui habeant in perpetuum unam feriam apud manerium suum de Maincestra singulis annis per tres dies duraturam videlicet in vigilia et in die et in crastina Sancti Mathai Apostoli ita tamen quod predicta feria non sit ad nocumentum vicinarum feriarum ut in aliis cartis de feriis Quare volumus et firmiter precipimus quod predictus Robertus et heredes sui habeant in perpetuum predictam feriam bene et in pace libere quiete et honorifice cum omnibus libertatibus et liberis consuetudinibus ad hujus modi feriam pertinentibus. Hiis testibus H de Burgo Comite Kantii Justiciario nostro: R Comite Cornubiæ fratre nostro: Willielmo Comite Albermarlie: Hugone de Mortuo Mari: Briano de Insula: Philippo de Albiniaco: Radulpho Gernon: Ricardo de Argentine et aliis. Datum per manum Venerabilis Patris Radulphi Cicestris Episcopi Cancellarii nostri apud Farendon nono decimo die Augusti anno Regni nostri xi.

Such was the confirmed grant of the fair of Saint Matthew in Manchester, by which a prolongation was conceded from two to three days, namely, on the vigil, festival, and morrow of the saint. It must be kept in view, that such a grant was not the essential characteristic of a borough, as Brady and other authors have supposed. The distinction of a borough has yet to be explained. The prefect of Manchester, who derived his office from the baron, was not styled a boroughreeve, but a portreeve, while a townsman was named "a portman." We find the same in other towns. In Exeter, for instance, the ruler placed over it was named "a portreeve." The mote, or law court at Manchester, by which subordinate disputes were settled, was known by the name of "the portman's mote."

#### § 19. THE FAIR OF SAINT MATTHEW ACQUIRES THE NAME OF ACA'S FAIR.

The ancient fair of Saint Matthew is no longer recognised by that appellation. It has been perpetuated to us under no other name than that of Aca's fair,—pronounced AKA's fair, agreeably to the common adoption of K for the Saxon C. "In

words," says Dr. Bosworth, "immediately derived from Saxon, *k* is frequently substituted for the Saxon *c*, as *cyng*, a *king*; *cyn*, *kin*, or *KINDRED*." —[Dict. of A. S. language under letter C.]

But the appellation "Aca's fair" has been transmuted, by Whittaker and others, into "Acre's fair." To the correctness, however, of the vulgar pronunciation, I can speak with the confidence of a sexagenarian, who has passed the whole of his boyhood on the site, now St. Ann's-square.

Aca was a clerk patronised by Robert Greslet. This name, however singular, was not unknown in another part of England. In the 1st of John there was an Aca of Keisho, in Bedfordshire, but there is no evidence that he was to be identified with the Manchester Aca.

Aca was also an early, if not the first incumbent of the church, or rather chapel, which was endowed by the Greslets,—naturally supposed to have been the same chapel which was dedicated to Saint Matthew.

§ 19<sup>bis</sup> THE LAND WITH WHICH ACA'S CHAPEL, SUBSEQUENTLY NAMED "GRELL'S CHAUNTRY," WAS ENDOWED.

In the Testa de Nevil, as well as by Keurden, it is recorded of Robert Greslet, that soon after he became possessed of the barony of Manchester, he granted land to Aca, a clerk: Robertus Gredle, qui nunc est, dedit Ace Clico unā t'ram de d'no suo de Mamecestr' p iii sol. Idem Ace [Aca?], tenet terrā illam. That is, he gave to Aca, a clerk, a piece of land from his lordship of Manchester, in consideration of three shillings [annually?].

Hitherto we have had no proof where the land thus gifted to Aca, in consideration of a trifling quit claim, was situated. But, upon the assumption that the chapel of which Aca was an incumbent and Grell's Chantry were identical, wherein there can exist no reasonable doubt, we arrive at the fact, that the land granted was that which was subsequently known under the name of "The Four Acres."

This knowledge is acquired from a very curious deed of the date of the 15th of Elizabeth (1572). Johanna Hope infeoffs certain persons with a croft of land containing three perches, which appears to have been a narrow longitudinal strip of ground corresponding with the restricted breadth of a burgage habitation lining a street, which strip must have extended from Withy-grove on the north, in a direction south through the present Cannon-street, to some narrow site on the north side of Market-stead-lane, a little to the east of the present Exchange. The same three perches are farther distinguished, as having the

lands of Robert Hulme on the east, and a parcel or enclosure of ground, called "The Chantry," or "The Manchester Chantry," on the west;—which chantry and lands would be adjacent to the east of the present Old Millgate and Market-place, where, agreeably to certain records of the late Mr. Thomas Barrett, the remains of a chantry were in the year 1777 to be actually detected.—[See vol. ii, p. 233 of the Manchester Foundations.] But it was the southerly boundary of the narrow piece of land thus demised, which now claims our chief regard,—which southerly boundary was described as an enclosure of land named "The Four Acres," being "parcell of the land late of the chantry, named 'Grell's Chantry.'"

An abstract of the deed I subjoin, from the communication of a very kind friend:—

By deed dated 22nd November, in the 15th of Elizabeth, Johanna Hope of Manchester, widow, daughter and co-heir of Richard Typpinge late of Manchester, infeoffs Ralph Slade of Clifton, Ellis Hope of Bradford, Roger Berwicks of Manchester, yeoman, and others, of one croft of land containing three perches, lying—Between the lands of Robert Hulme on the east part;—And a parcell or enclosure of land, late called "The Chantry," or "The Manchester Chantry," now in the tenure of Nicholas Beck, on the Western side;—An enclosure of land named "The Four Acres," parcell of the land late of the chantry, named "Grell's Chantry," lately in the tenure of Thomas Trafford, on the South part;—And the Royal Road in the same place, called the Wything-greave, on the North part, and now in the tenure of myself, the aforesaid Joan Hope, &c. &c.

At length, then, we have arrived at the knowledge, that the land with which "Grell's Chantry," of which Aca was an incumbent, became endowed, comprised an enclosure named in municipal records "The Four Acres." Another title of the site was "The Nether Acres," in contradistinction to "The Over Acres," more remotely situated. While a third appellation was "The Acres-field."

This land has been further described by Mr. Whittaker, who, however, has given to the site of Acre's-field the measurement of six statute acres and a half, which may nearly correspond with the old Lancashire measure of "The Four Acres." "There was," says the historian of Manchester, "a large close immediately adjoining to the town, so late as the beginning of the present century [the eighteenth], which was denominated Acre's-field. It spread, at the time, over the present Acre's-square [now St. Ann's-square]; its two streets at the sides, its four at the angles, and the enclosure of Saint Ann's Church. And it originally extended over the site of all the buildings that now intervene between the Exchange and the square; as the name of Acres-court given to the narrow passage about the centre testifies. This ground would be

about six statute acres and a half in compass, and was the original church yard of the town."

This description of the ancient boundaries of Acre's-field may not, perhaps, be wide from the truth. In speculating upon its limits in the middle of the nineteenth century, I should say that the site of Acres-field was bounded on the north by old St. Mary's Church, the Market-place, and the lower end of Market-street;—on the east by the meandering course of a rivulet, now obliterated, as it ran from Market-street to Pool-fold and Cross-street, and along the margin of this quondam pool and stream of the Tib, as far as Tib-lane;—on the south by an irregular line extending from Tib-lane, through some ancient courts and passages, to Ridgfield;—and, on the west, by an ancient thoroughfare extending direct from Ridgfield to Acres-court.

Mr. Whittaker pronounces the site, which he has described, to have been the original church yard of Saint Mary's, Manchester. Most assuredly it is of very ample dimensions for a cemetery, for which reason I shall not hesitate, though at a conjecture only, to place within or very near its limits the site of another edifice, namely, that of Saint Matthew, which gave its name to the vigil of Saint Matthew, as acknowledged in the charter of Henry the Third. Nor was it unusual (as may be confirmed by observation) for two churches to be built in one church yard. Possibly, at a guess, the locality assignable to the church of Saint Matthew was not far from the present Saint Ann's Church, on the site of which, while excavating for its foundations, numerous ancient graves were discovered, which have been usually attributed to the proximity of the old church of Saint Mary, in Saint Mary's-gate.—[See page 5.]

At length, then, we have found that the land with which Aca's Chapel, or Grell's Chantry, became endowed, was "The Four Acres," or "Acres-field;"—which Acres-field has from time immemorial been the recognised site of Saint Matthew's Fair, whence the natural inference that Aca's Chapel, Grell's Chantry, and the chapel dedicated to Saint Matthew, where the vigils of the saint were celebrated previous to the fair, indicate one and the same chapel, and are identical;—which view disposes at once of a theory noticed in page 37, with which many pages of Mr. Whittaker's history are encumbered.

But at this stage of our researches another question may be asked, explanatory of the reason why the fair of Saint Matthew was named Aca's, or ACCA'S FAIR, in preference to "Acre's Fair,"—which last term so nearly agrees with the former as to be easily mistaken in the sound.

Mr. Whittaker, however, has named the fair *Acre's Fair*, naturally supposing that it took its name from Acre's-field, the site of the fair. But upon the authority of a friend, who, like myself, has been familiar with the name of the fair from his juvenile days, it never was called "Acre's Fair," but "Acca's Fair;"—every inhabitant of the town making the distinction.

Upon the motive for naming Saint Matthew's Fair "Acca's Fair," history is silent. The custom, however, of providing for the support of religious foundations, or for priests, with the profits of mills, or fairs, was very common indeed, as, for example, in the instance of the grandfather of Robert Greslet, who confirmed the mill of Manchester to the monks of Swineshead, in Lincolnshire. It is highly probable, therefore, that the object of the baron's gift of land to Aca, the clerk, or priest, in consideration of three shillings [annually?], was to make over to him the profits of the fair, which, from this time, acquired the name, not of Saint Matthew's Fair, but of "Aca's Fair."

But the profits of the fair could not have been long alienated from the use of the lord. The fair of Saint Matthew is recorded in a writ taken the 15th of Edward the Second, as held from the vigil of Saint Matthew the Apostle until the morrow of the same feast, during three entire days, which was worth in toll, stallage, and the like, £6 13s. 4d.

#### § 20. THE PRIVILEGES AND CUSTOMS OF SAINT MATTHEW'S, OR ACCA'S, FAIR.

The land thus gifted for the purpose of a fair, shows that it far exceeded what was required for a church yard only, as Whittaker, in his spirit of theorizing, has vaguely supposed. It rather included the space which was demanded for an incipient commercial fair, intended to call forth all the industrial resources of Manchester and its vicinity.

In reference to this object a cross was erected, for the purpose of solemnizing the commercial engagements of the fair, which gave its name to the street, now named Cross-street.

The tollage of the fair was collected in a narrow passage formerly leading to "the Denesgate," which is now lost in the widening out of Saint Ann's-street, at its westerly extremity. Without a special grant, however, such as that of Henry the Third, the stallage, picage, &c., paid at fairs and markets on the sale of things tollable, might have been legally refused.

At these fairs, by a later statute of Edward the Fourth, persons were privileged from being molested or arrested for any debt, except what was

contracted at the same, or, at least, was promised to be there paid.

Whittaker supposes that the fair was opened by the baron in person, accompanied by his seneschal, by the clergy, and by the gentry. But we are better informed regarding the proclamation which was made, its object having been threefold:—First, to preserve the public grid, or peace, the care of which, in Manchester, was assigned to a “grith-sergeant;”—secondly, to prevent the interference of the fair with any others in the neighbourhood which might be held about the same time;—and, thirdly, to give warning that no merchant should sell goods, or merchandise, after the time when the fair was ended, under the penalty of forfeiting double the value of the goods sold, one-fourth whereof was to accrue to the prosecutor, and the rest to the king. At the present day, however, it has been merely deemed necessary to proclaim the public “grid,” which is accomplished by the present “grith-sergeant,” who holds office under the mayor and corporation, after the following manner:—“Oyez, Oyez, Oyez! The mayor, on behalf of the corporation of Manchester, in her majesty’s name, strictly charges and commands all manner of persons not to wear any swords, staves, falchions, or any other weapons, during the time in which this fair hath its continuance; but that they and every of them be aiding and assisting the mayor, the boroughreeve and constables, and all other officers, in suppressing all riots, routs, and other unlawful assemblies during the continuance of this fair, on pain of the penalty set down by the statute in such case made and provided. God save the queen, the mayor of Manchester, the boroughreeve and constables, and all other officers of this ancient town and borough of Manchester.”—[From an account of the fair, as held in 1846, since the manor was purchased by the corporation.]

For some reason or other, regarding which history is silent, the institution of Saint Matthew’s Fair appears to have excited the opposition of the town, as is shewn by a custom of very ancient date:—Upon the first day of the fair, long before daybreak, the inhabitants of the town were accustomed to assemble, severally armed with whips and a great store of the autumnal fruit of the oak unmercifully robbed from neighbouring woods, to enter their protest against the intrusion of the lord of the manor, by pelting with ACORNS the first cow, the first sheep, the first pig, or the first horse which entered the arena of the fair;—the deafening war-cry of “first cow!”—“first sheep!”—“first pig!”—or “first horse!” being accompanied by loud shouts and the crack of whips. Eventually, however, this protest subsided in a mere holiday

sport, got up by the juveniles of the town, who, half a century ago, or more [me ipso teste], never failed to assemble before daybreak in Saint Ann’s-square, armed with whips, and, among other missiles, acorns.

The custom of using ACORNS for the purpose of ejection is curious. Has it a figurative allusion to the name of ACA, which would appear to be derived from the Anglo-Saxon a’c, or aac, the oak? Upon this supposition there would be a propriety in pelting the intruders into Aca’s Fair with acorns. But this momentous question may be left for the solution of the Dryasdusts of Lancashire.

[Owing to the populous state of the town, and other causes, Aca’s Fair has of late years travelled to Shudehill, and thence to the Camp-field, where it is at present kept. An interesting narrative of the mode in which the fair is at present held has been recently published by Mr. Harland, in the *Manchester Guardian*. As the custom of assembling with whips and acorns is not mentioned in this description, I may conclude that it has fallen into disuetude.]

#### § 20<sup>th</sup>. THE INFEUDATION OF ASHTON-UNDER-LINE.

With an account of the feast of Saint Matthew and the chartered fair to which it gave rise, I was proceeding to describe still more important local events, confined, however, to the sister town of Salford. But, previously, some little notice may be taken of the state of Assheton-under-Line, the manor of which was for centuries an infeudation of the barony of Manchester, the Greslets retaining in their power the advowson of the church of that town, which was dedicated to Saint Michael.

Assheton, or Ashton, anciently named Eston, one of the berewicks of the manor of Manchester in the Domesday survey, has been hitherto supposed to have been gifted by Albert Greslet [Senex] to Orme Fitz-Ailward;—but Dr. Ormerod was the first to satisfactorily shew, that by this Ashton, or Eston, another manor, namely, Orm-Eston, now Urmstone, was meant.—[See page 20.] With this correction of a mistake, for a long period disreputable to Lancashire genealogists, antiquarian curiosity seems to have been satisfied. Still, however, there are many questions connected with the successive proprietorships of this important manor, which, up to the present moment, remain undecided.

Some portion of this obscurity may be, perhaps, due to there having been at least three Ashtons, or Estons, in the neighbourhood of Manchester:—1st, Orm-Estou, already explained; 2nd, Ashton-on-the-Mersey, within the palatinate of Chester; and, 3rd, Ashton-subtus-linam [or, perhaps, lineam], translated Ashton-under-Line.

In Mr. Gregson's collection of ancient feudal entries there is a "Robertus de Gredle" mentioned, who, I suspect, ought to have been named Robertus de Eaton. He is the same individual, probably, who appears as witness in a deed of Albert, de Neville, rector, of Manchester, under the name of Robert de Astuton.—[See page 27.] It is added of this Robert de Gredle [perchance de Eaton], "tenet ij caruc' in Eaton de eadem baronia [de Mancestria] et debuit reddere inde annuatim unū austurcum, vel xis, si non redditum."

§ 21. THE ACTIVITY OF ROBERT GRESLET IN SERVICE OF THE KING.

In the year 1221 we find that the king, in the orders which he gave to the barons of the treasury, excused Robert Greslet the payment of six pounds, for one year's ward which he owed to the Honour of Lancaster, as due for twelve knights' fees which he held, inasmuch as he had served with the king in the army of Newark. In the same year we find that Robert Greslet was ordered to go with the Earl of Essex and H<sup>\*\*\*</sup> de Nevill to the forest of Clyve, with the view of spying out the movements of Richard Surward and certain malefactors.

§ 22. THE PAPAL POWER IN THE PLENITUDE OF ITS SUPREMACY, IS RESISTED BY RANULPH DE BLUNDEVILLE, THE SIXTH EARL OF CHESTER.

Ranulph de Blundeville, the sixth Earl of Chester, is the most important personage at this period of time in our local history.

Hugh Cyvelock, the fifth Earl of Chester, died on the 27th of Henry the Second (1181), et portoit d'azur à six garbes d'or. His son and heir, Ranulph, or Ranulf, surnamed Blundeville [Blanc de ville], was born at the album monasterium of Powis, and was knighted in the 33rd of Henry the Second (1188.)

With Richard the First, Ranulph had been in great favour and had borne one of the three swords at the monarch's coronation, serving also, with valour, in the army at Normandy. He fearlessly rebuked John for his dissolute conduct towards the daughters of his nobles; and he aided in procuring a relaxation of the interdict under which the kingdom was struggling. During a succeeding reign, he was very instrumental in advancing the pretensions of Henry the Third to the throne, who, in 1219, confirmed him in the earldom of Lincoln.

Ranulph possessed much land in Lancashire, which the family is supposed to have derived from Ranulph Gernons, in whose favour the Peverels,

during the distracted reign of Stephen, were dispossessed. Among these acquisitions, as I have shewn, were the town and wapentake of West Derby, the borough of Liverpool, the town and wapentake of Salford, and also the wapentake of Leyland.

Ranulph de Blundeville seems also to have added greatly to his acquisitions by purchase. There was a Roger de Maresay, then holding much land in Lancashire, regarding whose family there exists much obscurity. He is referred by Gregson, to the lineage of Godefridus, of the time of De Poictu, who was "vicecomes ejus de Derby." Hamo, the first baron of Dunham Massey, was said to have been of this family, to whom Ranulph Gernons granted Stretford in fee. A descendant, as it is supposed, of Roger de Mereshaya, sold to Ranulph de Blundeville certain lands, which have been enumerated as follows:—"the manor of Bolton-in-the-Moors, with other lands in Little Bolton, Tong, Halgha, Brightmeta, Radcliffe, Urmeston-in-Wesseley, Sharples, Haghe, Tanedish, Longerre-in-Sevington, Charnock, Head Charnock, Duxbury-in-Adelinton, Whittle, Huelton, Scarsbrick, Heaton, juxta Lancaster-in-Milner, in Derwent, and Eccles-hall."—[Gregson's Lancashire, App. p. 264.]

During various successive reigns, Ranulph de Blundeville had been a distinguished political character; but the last, and, perhaps, the most important event of his life, was his resistance of the supremacy of the pope, while he was in the plenitude of his power;—in which resistance he was supported by the portion of the kingdom under his immediate influence, said to be Cheshire, but which rather comprised both Cheshire and Lancashire.

As Henry the Third had been a minor when he succeeded to the throne, he was the more easily induced, from his tender years, to pay homage to the pope for the kingdoms of England and Ireland, with the promise of one thousand marks, as usual, by way of acknowledgment.

At this period the papal domination had attained its height, as is shewn in the general jurisdiction of the church. In ascending from the lowest court of spiritual judication to the highest, we begin to have in parishes the rural chapters of the dean,—superior to which were diocesan synods;—while, above these, were provincial and national councils, over which the pontiff had a control through the legates whom he sent over to hear and determine the more weighty ecclesiastical causes. Appeals might also be made to the Roman see, which were responded to by bulls of confirmation, or dispensation.

The papal supremacy, which had its origin in the very ancient appeal made to the bishops of Rome, on questions of faith, had for its professed object

an universal inspection over the secular and religious orders of the church, over clerks, and over the faithful in general; which was acknowledged by the king's oath to maintain the independence of the church, by the acceptance of the pallium conferred upon archbishops as a mark and distinction of the plenitude of the apostolic power, and by the bishop's oath of canonical obedience to the holy see.

As an admission likewise of the superiority of spiritual over temporal interests, or, as a French writer expresses it, of the greater importance which was attached to the destiny of the believer than to that of the citizen, civil privileges of the most unbounded kind were conceded to the ecclesiastical power. In the year 1216, an edict had appeared, threatening with excommunication all who, in prejudice of ecclesiastical liberty, had burdened religious men, clerks, beneficed clergy, or their men living on ecclesiastical ground, with talliages, taxes, murage, tributes, expenses of fortification or of carriages, or other civil exactions. But, besides this immunity from taxes, the clergy were exempted from prosecutions in the civil courts,—which concessions led to still further encroachments. Cases of a civil nature became amenable to ecclesiastical judgments, in which parties were visited with censures of excommunication, while sentences awarded against delinquents in secular courts were, to the encouragement of open vice, averted by the privileges of sanctuary. The parliament in its attempts to secure to the nation constitutional advantages was confronted, as in the instance of *Magna Charta*, by papal inhibitions:—while the sovereign himself was rendered a mere dependant of the pope by the act of investiture and oath of fealty for his lands, whence he became a vassal of the Roman see.

The pope required temporal support on three general pretences; first, to defray the great charge of an universal inspection, wherein many agents were to be employed; secondly, to support the dignity and splendour of the Roman see; and, thirdly, to furnish the means of croisades against the infidels, for the purpose of subduing and reclaiming them.

In the last place, the fees demanded for the support of the papal power variously arose from the old tribute of *Peter pence*; from annates, or first fruits; from the tenths of all ecclesiastical livings; from pensions exacted from religious houses; from taxes for the pall; or from the sale of indulgences. But this was not all:—a far more serious means of supporting the papal influence was derived from the dispensation of mitres, or from the presentation of benefices to favourites,

or foreigners, whereby the rights of patrons were arbitrarily suspended.

While the papal see was in the plenitude of power in England, the Earl of Chester was one of the principal nobles who, in the reign of Henry the Third, took the lead in defending the free institutions of his country from the attacks alike of the monarch and the pontiff. He joined the party of the insulted Prince Richard [or Earl of Cornwall] against the unconstitutional efforts of the regent, Hubert de Burgh, who sought to persuade the king that he was not legally bound to the great charter, and to the charter of forests.

The Earl of Chester likewise headed the party which protested against the king combining with the pope in the attempts to still farther rivet the fetters of the nation, in their subjection and dependence upon the see of Rome. He sided with those bishops who complained of the legates whom the pontiff was in the habit of sending over upon the most frivolous pleas, with the secret charge to nominate to the best benefices, to extort exorbitant fees, and, by rendering the episcopal power insignificant, to cause the church of England to languish under a foreign and most galling slavery.

One of the last great political efforts of the earl was, to resist the demand of Pope Gregory for the tenth of the revenues of the clergy throughout Europe, including a tenth part of the moveables of England, with the view of carrying on a war against the Emperor Frederic, who had been excommunicated for not performing his vow of serving in the holy wars. Upon this memorable occasion, so formidable was the resistance of Ranulph de Blundeville regarded, that the county palatine of Chester was said to have been the only part of England which escaped the galling impost;—to which province we may add, no doubt, all such localities in the adjacent county of Lancaster as were subjected to the influence of the earl. Consequently, among the Lancashire districts impatient of the yoke of Rome, may be enumerated the town and wapentake of Salford.

§ 23. RANULPH DE BLUNDEVILLE GRANTS A CHARTER TO THE TOWN OF SALFORD, MAKING IT A FREE BOROUGH.

As there is no date affixed to the charter which Ranulph de Blundeville granted to the town of Salford, conjecture alone must supply the deficiency. On the 13th of Henry the Third (1228-9), the earl was confirmed by the king in his possessions between the Ribble and the Mersey, and, immediately afterwards, he conferred upon William Ferrars, Earl of Derby, who had married his sister, the town and wapentake of Salford. There is little

doubt, therefore, that it was before making this grant that he gave to the town its boasted charter.

At this particular period of our history, Salford was not only the principal place of jurisdiction contained within the hundred of that name, but it was also regarded as the chief market town of several manors situated in the peninsula of the Irwell, and extending from Trafford and the vicinity of Eccles to Clifton and Pendlebury.

Among the names recorded of landed proprietors who flourished in, or about this period, may be mentioned Gilbert and Edith de Barton;—Richard Workedly, son and heir of Elias Giga, and Geoffrey de Workedaley;—Elias and Adam de Pennelbury, or Penultsbury, to whom Richard de Workedaley gave lands;—Robert de Clifton, a progenitor of the Amounderness family, who held four bovates of land from the king;—Robert Gerneth, who held from the same Robert by drange tenure;—Marferth de Hulton, who, in the time of John, held in chief of the king four bovates of land in Pennelton, by service of a sixth part of a knight's fee. Again,—near the church of Eccles, hard by a ford of the Irwell, dwelt the Trafford family, of Saxon origin, who had greatly swelled the extent of their possessions by lands derived from divers sources, as in Guildsted, from Helias de Pendlebury,—in Chorlton, from Gospatricke de Chorlton,—in Stretford and the lordship of Asheton, from Hamo, Baron of Dunham Massie, with whose family an alliance by marriage had taken place.

The names thus recited may be considered as forming the higher class of society, dwelling at a moderate distance from the town of Salford. Interspersed were numerous descendants of Saxon thanes or dranges, some of whom inherited lands more approaching to the character of allodial than feudal possessions, in which the claims of primogeniture were not rigidly enforced. Consequently, owing to the divisions and subdivisions of property which had been going on in the lapse of generations, the means of subsistence with comfort were proportionally straitened. Another class of needy individuals, yet of gentle lineage, found themselves displaced, as younger sons, by the law of primogeniture, many of whom would have difficult means of subsistence. While a third class was that of ceorles, who, in possessing real or allodial land to a trifling extent, over which they had the power of disposal by sale, gift, or will, not unfrequently converted their little patrimony into the form of infestments, for the sake of being enrolled in the view of frank pledge attached to the jurisdiction of some powerful lord or baron, which ensured to them, as free tenants, a greater degree of civil

protection and security than they could have enjoyed in their previous state of allodial independence.

Such were the classes to whom the charter, which Ranulf de Blundeville proffered to the town of Salford, must have been particularly acceptable, as affording the means by which they might resort to such industrial arts as were promoted within the numerous free boroughs of the kingdom, which were then springing up.

By the name *BOROUGH*, proposed to be given to the town of Salford, nothing more was implied than what the Saxon term *BORH*, "a pledge," indicated;—that is, Salford was to become a mutually *PLEGGED* town, in which every inhabitant was to be sworn and enrolled as in pledge, or bail, for his neighbour.

The origin of the term borough has been successfully commented upon in the municipal collections of Merewether and Stephens. They conceive the term to have been suggested by the more complete and localized system of frank pledge, which began to prevail, and not from the Greek *συρρη* [*A. S.* *burh* or *burh*], which gave its name to some of the old Roman towns, as Overburgh, Gainsborough, &c. The Saxon word *borh*, from the same root probably as *beorh*, a city or defence, meant a pledge as well as a person, who, by giving a security, thus became a surety or bail for his neighbour, in which sense it was used in the laws of King Ina,—the "*borh-bryce*," meaning a breach of the pledge. It is stated that, so late as the year 1512, the sureties of an apprentice, who were required to be entered and enrolled in the municipal books of Newcastle, were named his "*borowes*." To this last cited evidence, I can add that of an ancient manor roll of Asheton-under-Line, of the date of 1442, in which it is said, that "Jenkin of the Winterbotham had taken the marled earth in the Rhodes-field ten years term, and that John of Aynsworth, and Thomlyn of the Leghes of Halesworth, were his *BOROWES* [that is, pledges], that he should well and truly pay his farm during the said term."

In the next place, the town of Salford was destined to be not a borough only, but "a free borough."

The term "free," prefixed to that of borough, indicated the important privileges proposed to be conferred, the chief of which bore reference to the new state of municipal government created, but more particularly to the new court conceded to the "portmen," or townsmen of Salford, named "the portmanmote," by which they would escape from the jurisdiction of the sheriff's tourn, which a long series of abuses had rendered unpopular and odious.

The sheriff, as the representative of the king, had been arrayed with excessive and even dangerous powers. While he was authorized, in every case where the lord of an inferior court neglected taking cognizance of criminal pleas, to claim the jurisdiction as belonging to the crown, it was even competent upon him to require that the lord himself have his pledge, by whom, if he was not purged from all offence, he might be produced to do right in the hundred. And hence, lords were not exempt from the penalties which the sheriff had the authority to enforce. For it was added, that if a lord, in the course of exercising his own separate jurisdiction, did not produce a criminal when required, but allowed him to escape, he was to compensate for his delinquency to the king, and be outlawed.

Nevertheless, this interference of the sovereign, as Guizot has well remarked, was an abandonment of the principles essential to the pure and primitive state of feudalism, however favourable it might have been to the condition and progress of society.—As the feudatories of Lancashire, even though they held their lands by thanage, or by drengage, were too dependent on the will of a superior, there was a necessity for repressing the intolerable tyranny of the possessor of a larger fief. And hence it was provided in the case before us, as in every other barony, that the lord should keep his court every month, the suitors of which, in default of redress, might appeal to the shire court, or sheriff's tourn, held twice a year, at Easter and at Michaelmas, over which the sheriff, as the representative of the sovereign, presided. But, according to the laws of Edgar, no one might appeal to the king unless he was denied law and right at his own home. And when this appeal was actually made, the king, by the constitutions of Clarendon, would provide for the trial of pleas by the crown, through the means of twelve free and lawful men.

But no institution, however wise and virtuous in its design, is exempt from abuse, so long as the social mass does not participate in the moral feelings of their conscientious legislators. During the dark and superstitious reign of Henry the Second, great extortions had been committed by the sheriffs themselves, the majority of whom were displaced and obliged to pay forfeitures for their misconduct. Subsequently there arose, in this and succeeding reigns, numerous charters of exemption from the jurisdiction and interference of sheriffs. Thus, for instance, in the time of Henry the Second, Reginald de Fitzroy granted to the free burgesses of Truro sac, soc, toll, them, and infangtheof, that they should not be pleaded nor be prosecuted in hundred or county courts. And hence arose,

according to the technical views of legists, the essential character of all boroughs, namely, their exemptions from suits of shires and hundreds, by which they would become separate jurisdictions.

In the case of the town of Salford, it must be kept in view, that Ranulf de Blundeville had for many years himself acted as sheriff of the Honour of Lancaster, and that in this office he was occasionally aided by his brother-in-law, William de Ferrars. But in the year 1229, Ranulf was growing old, and we must suppose that some strong attachment which he had formed for the town of Salford, rendered him anxious to bestow upon it the efficient civil and criminal jurisdiction of a free borough, where a reeve chosen by the burgesses themselves should exist, as a substitute for the sheriff, or, in other words, where the sheriff should be altogether excluded.

After this separate and independent jurisdiction had been confirmed to the burgesses of Salford, their condition would be as follows:—They would have the power of choosing their own reeve, or magistrate;—they would have courts of their own, the laghemote and the newer portemanmote, for the administration of justice, which would be regulated by salutary laws tending to preserve the peace of the borough;—they would possess burgages, the tenure of which would include the free allodial laws of hereditary succession, as well as the power of sale or gift, yet subject at the same time to some small rent and services, as well as to a relief of arms upon the death of a possessor.—It was forbidden, however, that the burgages should be alienated from the superior either by civil debts, or “in religion.”

The last mentioned stipulation, which would prevent the burgages of Salford from being gifted away to the Cluniac monks of Kersall, or to any other holy community, related to the act of mortmain, then recently passed. Its insertion in the earl's charter had arisen from the national jealousy, created by the immense possessions with which pious founders, or donors, had enriched the religious houses of England. The inconveniences of such gifts have been expressed by lawyers after the following manner:—Alienations to ecclesiastical bodies, which take by succession and are consequently held in perpetuity, prevent all future profits to the lord, and are hence named. “the dead, or unprofitable hand,” and the grants “alienations in mortmain.” Or, in other words, “mortmain seems to be a correlative of perpetual succession, because it has its very essence in the grant of lands to perpetual bodies, whereby, as there can be no escheat, the land is said to be in the dead or unproductive hand,—in *mortua manu*.”



An example of such an alienation is exhibited in the following entry, relative to the baron of Manchester. "*Et est in custodia Archidi' de Stafford et W. de Harewett per dñm Robertum Gredle tenementum iij caruc' terre in Burnul et in Anderton de eadem Baronia, et nullum facit servicium.*"

This injury to feudal proprietors was first corrected by a statute of the 9th of Henry the Third (1225), which enacted, that for the future no lands should be settled upon any religious community without the express license of the chief lord of the see. "It shall not be lawful from henceforth to any to give his lands to any religious house, and to take the same land again to hold of the same house. Nor shall it be lawful to any house of religion to take the lands of any, and to lease the same to him of whom he received it. If any person henceforth give his lands to any religious house and thereupon be convict, the gift shall be utterly void, and the land shall accrue to the lord of the fee."

That this law of mortmain accorded with the views of the Earl of Chester little doubt can be entertained, from his popular opposition to the inordinate riches and power of the church while in the zenith of its influence. We accordingly find that Ranulf, in his charter, absolutely prohibited the burgages of Salford from being alienated in religion. This is evident from a clause relative to the heritable rights attached to the possession of burgage property;—in allowing a burgess, if he have no heir, to bequeath his burgage and chattels by will to whom he chose, it is added, "so that the burgage be not alienated in religion." And, again, in the permission given to a burgess to sell his burgage, it is added, "*religione excepta.*"

Lastly, the charter was granted with the view of better enabling the borough of Salford to supply, for the exigencies of the state, its proper quota of money and men.

Ranulph de Blundeville had frequently served in the armies of France and the low countries, where he had witnessed the state of those cities which had not perished with the Roman abdication, but which still could boast of a survival within their walls of many of their free institutes. But his observations were more satisfactorily drawn from such communes, or burghs, as with well-armed hands had snatched from their tyrant lords a portion of domination, and had formed themselves into petty republics, where, as a consequence, these cities or towns had begun to be developed, and to grow in population and in riches. From communes such as these, Ranulf and other English

barons had learned the policy, not of forced but of voluntary concessions to the municipal wants of borough towns. In the instance of Orleans, during the wars with the English, they had witnessed a grateful city fighting fearlessly and successfully in the support of royalty, whence it had derived all its invaluable chartered liberties.

Ranulf, who then took an active part in the affairs of church and state, was pressed both for money and men. Being aware, therefore, that a borough town, resembling in its free institutions those of the communes of France, afforded the best means of commanding the sinews of war, he applied this principle to the hitherto insignificant town of Salford. He gave and confirmed, in the name of himself and heirs, all the invaluable liberties and customs offered to the burgesses and their heirs against all people for ever, saving a reasonable talliage, to be levied when the lord king should tax his boroughs throughout England. Of such talliaiges, in fact, numerous instances are recorded. For example, in 1223 there was raised, upon Newcastle-on-Tyne, a talliage of one hundred and twenty marks.

The earl was also aware of further effects, besides those specified in his charter, to be derived from a free borough. The burgesses would become amenable to a law of Henry the Second, and be obliged to provide for themselves armour. "All burgesses," says the act, "and the whole community of freemen shall wear a wambois [that is, a coat quilted with wool, tow, or such materials], a cap of iron, and a lance." This act was adopted from the customs of the French burghs, the inhabitants of which were held in feft by a sort of military service, and in marching to battle were, in general, grouped around their priests. That the burgesses of Salford were in like manner required to be armed, is to be inferred from the relief which they paid upon the death of any one of their community, which was a sword, or a bow, or a lance.

Numerous regulations on the armed discipline required from freemen and burgesses appear in the acts of this period. All persons residing or commorant within any place beyond forty days, were bound to be there sworn to their allegiance, to pay scot and bear lot, and, if they failed therein, to be amerced.

Taking in view, then, the dependance which was placed upon free boroughs for aids of money and men during the exigencies of war, there can be no doubt that this object formed one of the leading motives for granting the immunities and privileges which appear in the Salford charter. The Earl of Chester was desirous to attract new inhabitants to the free borough which he was creating, by the

temptation which it held out of a very great improvement in their social condition, whereby they would be assimilated to the burghers of the free communes of France, or other parts of the continent, and would thereby contribute by the means of tallage, or by scot and lot, to the armed resources of the country.

But the class of society most likely to profit by the municipal advantages which Salford promised, remains yet to be described. This was the degraded caste of villeins.

The true *servus*, or *serf*, of the Saxon period no longer existed, whose person was removable at the pleasure of the owner from the estate wherein he lived and served, and who could be bought and sold in the public markets. On the contrary, the villein of Norman times could not be detached, at the mere will of his owner, from the domain to which he belonged; nor could he be bought or sold separate from the land. But although the true *servus*, *serf*, or bondsman of Saxon times had disappeared, yet the original principle of servitude was still retained, inasmuch as it was not upon the circumstance of tenure, but of birth along with vicinage, named "condition," that the obligation of servitude depended, whence the origin of the writ of "neifty" [*nativa*], directed to the sheriff when a person claimed any one as his villein. But, in determining whether a claim of neifty was valid or not, the more tender laws of the Anglo-Norman period gave the greatest relaxation to the circumstance of birth, stock, or condition, which might be laid aside, for instance, if the mother of the villein were free, in which case emancipation, or freedom, followed.

But the claims of humanity were most aided by political considerations. The villeins upon an estate often increased to an amount far greater than the means of subsistence, whence it was not uncommon for some lords to force their villeins to find subsistence elsewhere, and to starve in other localities. This practice had, in fact, so much increased, that it became a law, that the lord could not molest or remove from the soil his cultivators, so long as they did his proper service; and that, for the subsistence of villeinage, it was necessary that there should be a mutuality of conditions, comprising personal service on the one hand, and protection on the other.

In most cases, however, a lord sought to retain his villeins upon his estate, where, in despite of impoverished means of subsistence, they continued to be the object of feudal caprice and tyranny, whence the origin of another stringent law, that if the lord withheld the legal protection which was due to his villein, the mutuality of conditions, in-

volving personal service on the one hand and protection on the other, became destroyed.

During this difficult state of society, the most natural and simple remedy left to the villein, in which he was not discouraged by the executive government, was to clandestinely quit the domain to which he was attached, and, in mingling with the population of crowded or commercial free boroughs, to seek in honest industry a means of subsistence. Accordingly, the laws humanely provided that free boroughs should be considered as places of refuge for the persecuted villein; but in order that no injustice might be done, if by a writ of neifty the fugitive was intended to be regained, the law allowed a reasonable time for the claim of the lord to be legally enforced. Thus it was enacted, that if any native bondsman dwelt without claim for a year and a day in any privileged town or borough, so as to be in the community of a free guild, he should by that act be emancipated from villeinage.

If such, then, was the ancient social system of England, as revealed to us by successive laws framed for no other purpose than the suppression of villeinage, we must regard the newly-created free borough of Salford as promising a peaceful home to the hapless bondsman, whereby he would be enabled, as a free burgess, to enjoy undisturbed the rights to which his honest industry was entitled. Everywhere, in fact, do we detect, in the privileged charters thus granted, the antidotes to feudal abuses and oppression, whereby a galling slavery, the disgrace of Christian believers, became eventually extinguished.

Soon after signing this charter, the Earl of Chester was called away to join the standard of his sovereign in the wars with France.

In 1230, after Henry the Third had exposed his utter incompetency to the command of the English troops, who had sought to recover from the French the ancient fiefs belonging to the crown, the earl was one of the commanders, who, in the absence of the king, having been left with the care of the royal army, made a successful irruption into Anjou, and recovered the honours which the English monarch had sacrificed to hours of frivolity and debauchery.

Such was the noble earl to whom the free borough of Salford owes a debt of gratitude, which ought never to be effaced.

#### § 24. DEMISE OF ROBERT GRESLET.

Robert Greslet, the fifth lord of Manchester, is reported to have died in the fifteenth year of Henry the Third [1230-1].

By his marriage with a daughter of Henry, brother of William Longchamp, chancellor of Richard the First, he left issue Thomas Greslet, his son and heir.

It has been remarked, that this baron was the first of the Greslets who formed a personal settlement in the town; and that, before his time, Manchester possessed little or no history. By the fair, for which he obtained the royal assent, he may be regarded as the baron who first gave a stimulus to the industrial activity and consequence of the town, paving the way for a still greater boon to municipal privileges, in the noble charter which Ranulf de Blundeville conferred upon the inhabitants of the sister town of Salford.

#### APPENDIX TO CHAPTER V.

In order that the ecclesiastical history of Manchester may be interrupted as little as possible with the civil concerns which are mixed up with its annals, I have thrown into the form of notes the details connected with the important charter which Ranulf de Blundeville conferred upon Salford;—an event no less important in its ultimate consequences to the sister town of Manchester.

A translation of this charter was, as I understand, published a few years ago. A copy, certainly an incorrect one, of the deed, which is preserved among the records in the office of the duchy of Lancaster, has been given in vol. ii, p. 170, of Mr. Baines's *Lancashire*. Lastly, in the *Manchester Guardian* of December 24th, 1844, another translation appeared, in which some important corrections were made. This was accomplished by Mr. J. Harland, of the *Guardian* office.

In the absence of the original deed, which I have not been able to consult, I drew up from the two last mentioned sources of information a sort of commentary on the Salford charter, which very recently I have been enabled to correct by the aid of one of the most learned and satisfactory works on the origin of the municipal customs of England which has ever yet been published. I allude to the "*History of Boroughs and Municipal Corporations of the United Kingdom, &c.*," by Henry Alworth Merewether, Sergeant-at-Law, and Archibald John Stephens, M.A., F.R.S., Barrister-at-Law, in 3 vols., 8vo., 1835."

I would also add, that in no treatise have I seen the principle of mutual pledge and residence, distinctive of the social constitution of the Saxons, so well elucidated as in the volumes published by these most industrious and persevering authors. In the account which I drew up of the baronial jurisdiction of Robert Greslet, their views have rendered me important aid.

It is to be lamented that these authors were not aware of the existence of the Earl of Chester's charter to Salford, but they have done ample justice to the importance of the later one of Thomas Greslet, baron of Manchester, of which some notice will be taken in the succeeding pages of this work.

With this explanation, I shall now proceed to describe the Salford charter.

#### THE SALFORD CHARTER EXPLAINED.

Ranulf de Blundeville called around him his friends and others, and in the presence of William de Vernon, jus-

ticiarius Cestrieensis, Simon de Montfort, Paganus de Chaworth (?), Foult Fitz-Warren [lord of Mettingham ?], Gilbert de Segrave, Walter de Arden, Richard de Biron, Roger Bernet [is not the name Gernet or Gerneth ?], Roger de Derby, Galfrid de Biry, Hugo de Biry, Simon and John, clerks, and many others,—gave, conceded, and, by a charter, confirmed, that the town of Salford should be a free borough, and that the burgesses in it should have and should hold certain liberties.

The charter explained, in the first place, the terms upon which a settlement was to be procured in Salford by the acquisition of burgage tenures;—

In the second place, it promised commercial advantages to the free burgesses;—

Thirdly, the charter recounted the laws by which the free borough of Salford was to be governed;—

And, fourthly, it enabled the borough to afford its quota of support, by means of tallages, to the exigencies of the state.

These varied objects of the Salford charter will now be explained in their due order.

First, the charter explained the terms upon which a settlement in the town might be procured by the acquisition of burgage tenures.

Each person wishing to be enrolled as a burgess of Salford was to have one acre of land as his burgage [or borough possession], for which he was to pay by the year twelve pence for all service which to that burgage belonged, namely, at the nativity of our Lord, three pence; at the middle of the forty days [of Lent], three pence; at the feast of the blessed John the Baptist, three pence; and at the feast of the blessed Michael, three pence.

In order, also, that an allodial character might be imparted to the burgage property thus offered, Ranulf declared in his charter, that if a burgess had not a heir, he might leave his burgage to whom he listed; but if he had a heir, he could not give, or pledge, or sell his burgage to whom he chose without an option being left to the next heir to buy the same. It is to be remarked, that this law of inheritance is to be found in the code of the northern nations, as, for instance, in the *jus commune Norvegicum*, which (as I have elsewhere described) was perpetuated in the udal, or allodial edicts of Orkney and Shetland. The last law of inheritance recited in the Salford charter relates to the widow of a burgess, who was allowed to remain in the house with the heir, and have necessities so long as she chose to remain without a husband; but if she married again, she might depart freely without dower, and the heir, as the lord, remain in the house.

Burgage tenures were, however, subject to the following conditions:—

The first related to the buying, selling, and willing of the same. For instance, the tenements of the borough could not be included in any acknowledged debts of burgesses liable to be distrained;—secondly, as great importance was attached in the Anglo-Saxon laws to a fixed residence, and as a capricious removal, supposed to lead to vagrancy, was punished with a fine, Earl Ranulf relaxed the law by declaring that whoever would sell his burgage and depart out of the town should pay him four pence, and go freely whither his inclination might lead him with all his chattels;—the third condition imposed upon the possessor of a Salford burgage, related to the law of mortmain,—being exemplified in the permission given to a burgess who might have no heir, to bequeath his burgage and chattels to whom he would,—subject, however, to this restriction, "that his burgage be not alienated in religion."

And, again, in the permission granted to a burgess to sell his burgage, it is added, "religione excepta."

The acquisition of a burgage did not debar the possessor from the benefits which he might have previously derived from the lord's demesnes. Thus, the burgesses were to have free pasture in the wood, in the plain, and in all the pastures belonging to the town of Salford. They were also to be free from pannage (the toll for pasturing hogs) in the wood itself of Salford, and they were allowed to take from it "in reason" whatever was necessary to build and to burn.

In connexion with these manorial advantages, there existed, no doubt, certain customs required from tenants, such as labouring a certain number of days in getting in the lord's fuel, or assisting in harvest time;—which last service, in Lancashire, was called "boon shearing," or "boon work." Earl Ranulph's charter, therefore, provided, that whenever a burgage was sold, pledged, or willed, a reservation should be made not only of the service belonging to the burgage, but of the lord's right of four pence. Under the denomination of customs, might be also included the obligation to send corn to the lord's mill, there to be ground "to the twentieth vessel." But in case such a mill did not exist within the borough of Salford, which at that time we may suspect to have been the case, it is added, that the burgesses might grind their corn "wheresoever they would."

In the next place, the tenements of the borough were subjected to a commuted reduction of the heriot, or relief. Ranulph had, no doubt, been aware of the grievance which the free communes of France had sustained from the large amount of relief, which a burgher who inherited from another was obliged to pay before coming into possession of the property thus acquired,—which grievance had, in France, been corrected by Louis the Seventh. In the charter, therefore, which Ranulph granted to the burgesses of Salford, he declared that when a burgess died, the heir should give no other relief than his arms, to wit, a sword, or a bow, or a lance. Yet even this small amount of relief the earl was, perhaps, aware that he could not legally enforce, as it was in opposition to a statute of Henry the Second, which declared that when a possessor died, his armour should descend to his heir, and that the lord should not take the same from his vassal, whether under plea of forfeiture, gift, security, or any pretence whatever. Accordingly, the clause in Ranulph's charter could have no other effect than to render the armour of a deceased burgess amenable to the surveillance of the superior, who would, in this case, be charged to see that the other clauses in King Henry's statute were observed, namely, that no person should sell, pawn, or lend his armour, and that during the minority of a burgess, the guardian should take it in charge and should provide a man for service until his ward should be able to serve in person.

In the second place, the charter of Salford had for its object the extension of commercial dealings.

Agreeably to the old and inveterate error of ancient, as well as of modern times, industrial professions were supposed to be the best protected by excluding all persons from exercising their various trades, except within the borough and liberties of the barony, thus reserved for a commercial monopoly. For this purpose it was enacted, that no one within the wapentake of Salford, as shoemaker, leather dresser [pelliparis], fuller, or any such, should exercise his calling unless within the borough, saving the liberties of the barony. There was also an usual reservation of the lord's monopoly with regard to the baking of

bread, which necessarily interfered with the trade of the provision dealer, while it gave encouragement to the use of the private ovens of householders. Thus, the bread made to be sold was required to be baked in the lord's oven.

Ranulph did not, however, forbid the burgesses to purchase from occasional strangers frequenting marts and fairs. He gave permission that they might traffic with any one whosoever either in buying or selling, or wherever it might be within his demesnes, whether in fairs or markets, exempt from toll, save the toll of salt. This last mentioned clause is curious. In the municipality of London, the lord mayor was accustomed to demand a similar impost of salt under the name of "grange." He levied the twentieth part of whatever salt was brought into the port of London. Salt was also subject to the regulation of an assize.

In the third place, the charter provided for the inhabitants of Salford a new and liberal system of internal jurisdiction, distinct from that of the sheriff, or from that of the wapentake:—for it was a law of Henry the First, that a man of one manor was not obliged to plead in another; and that persons were subjected to legal jurisdiction only where they resided.

Before the charter was granted, the town of Salford, like that of Manchester, was named a "port;"—each inhabitant was named a "porteman;"—while the prefect, who received his appointment from the lord of the wapentake, was named [as in Exeter, ancient London, and other places] "a portreeve." It is very possible that the "portmen" of Salford, as of many other towns or cities in England, had been enfranchised from such, or such a service, but that these concessions of privilege had not conferred upon them any extensive liberty. There appears to have existed in Salford, as well as in Manchester, a local jurisdiction, which, however, had nothing in it distinct from the baronial court, of which it was a branch. This court is alluded to in the charter of Earl Ranulph under the name of the laghemote. This law court had been created for the purpose of trying causes which had their exclusive origin in the disputes of the "portmen" of Salford, who, for this purpose, were enrolled in a distinct system of frank pledge. But the portmen did not possess an independent jurisdiction; they had not the right of naming their own magistrates, while "the port," or town, did not in a manner govern itself. In a spirit of civic liberalism, therefore, which the reign of Henry the Third was rapidly developing, it was declared that the burgesses might not only choose a reeve for themselves, but that the reeve should be removable at the end of the year, whence any perpetuity of the abuses of office would be obviated. This privilege was in imitation of the charter which the father of the present Earl of Chester had granted in the year 1181 to the men of Coventry, "that they should have a portmote court to hold pleas of everything among themselves, and that they should have one man among themselves skilled in the laws and customs to be judge over them."—In Chester, also, there was a portmote.

Under this new prefect, or reeve, the court leet, or "portmanmote," became the striking characteristic of the borough of Salford, which will be next explained.

The newer mote, or court, which was created by the charter of Ranulph under the name of the portmanmote, was dedicated, in the first place, to the view of frank pledge required from the portmen, or burgesses of Salford exclusively; and, in the second place, to the trial of such causes as appertained to the indwellers of Salford exclusively, being under the presidency of the reeve, or pre-

fect, elected by the burgesses themselves, who, from this time henceforth, was named "a boroughreeve." A sort of democratic administration was thereby called into existence within the interior of the borough, opposed to that which the lords of fiefs exercised within the compass of their respective domains, with this exception only, that the "reevedom" of Salford, in its enactments or judgments, made a reservation of certain of the lord's manorial rights. The term "salvo meo jure," as expressed in Ranulf's charter, indicated that the judicial power exercised by the prefect, or reeve, was little more than a conditional delegation of baronial functions.

The obligation of each burgess to the judgment of the portmanmote was rendered imperative. It was enjoined, that if any one be impleaded of any plaint that belongeth to the borough, he should not answer neither to a burgess, nor to a villain [that is, of the manupast of some one], nor to any one else, unless in his portmote.

But notwithstanding the creation of the burgesses' own peculiar mote, the laghemote appears to have been a co-existing tribunal, requiring no less submission to its authority. This is to be inferred from the service which was still expected from what may be presumed to have been the older tribunal;—the penalty of twelve pence having been demanded if a burgess failed to obey the summons of the reeve at the laghemote. Yet, whether the laghemote eventually came to be regarded as a superior court, more under the direct cognizance of the lord of the wapentake, to which an appeal might be made against the judgment of the newer tribunal of the portmanmote,—or whether, on the contrary, it did not become a subsidiary court, summoned upon extraordinary occasions only, when the portmanmote was not sitting,—are questions more open to conjecture than to positive demonstration.

Other clauses of the charter of Earl Ranulf provided for the internal regulations of the portmanmote. For example, in the instance of any one being impleaded of his neighbour, or of any other person, in what appertained to the borough, and of his having followed up the same three days;—if he should have the testimony of the reeve and of his neighbours that his adversary was in default [or absent], he would be exonerated from being a respondent to the plaint, and his opponent would fall into amerceament. It was also ordered [agreeably to the law of manupast], that any one might be at plea for his wife and family; and if, perchance, the husband should be elsewhere [or absent], the wife of any one might render up her goods and substance to the reeve, doing what she ought to do, and follow up the plea for her husband.

With regard to the civil causes, or offences, required to come under the notice of the portmanmote, or laghemote, the charter is not very explicit, whence we may infer, that there was some latitude given to the extent of the reeve's jurisdiction. The assize of bread and ale, for instance, properly belonged to the sheriff's tourn, or, at any rate, to the jurisdiction of the wapentake of Salford. But as the penalty was often slighted, the charter enacted, that any one who had three times incurred the forfeiture of twelve pence for an infraction of the assize, should, the fourth time [with the view of increasing the amount of penalty], make the assize of the town.

In the contracting of debts it was ordered, that the chattels of a burgess might be distrained for his own debts only, but not for those of another individual; and that if any burgess should implead another burgess for a debt, who should acknowledge the same, the reeve might assign to him a day, to wit the eighth, and if he failed to come on that day, he was required not only to discharge

the debt, but to pay the lord twelve pence for the forfeiture of the day, and four pence to the reeve.

In a charge of robbery, a burgess was required to undergo attachment by the reeve to answer the same, and to stand judgment in the portmanmote;—the lord reserving to himself his proper right [waif and stray].—[See page 33.]

In a charge of fray,—if any burgess should have stricken another burgess in anger, or have wounded him, without effusion of blood, he was required to make his peace in view of the borough,—the lord's right of twelve pence being reserved.

This last is the weightiest crime which is mentioned in the charter as falling under the cognizance of the portmanmote, whence we may infer that neither this court, nor even the laghemote, was competent to deal with cases of a more serious or aggravated description, such, for instance, as those which, in the time of Edward the Confessor, the mote of the hundred had proposed to redress. Of these were wounds with the effusion of blood, rape, obstructing the king's highway, removal of boundary marks, military desertion, enticing away a bondsman (which last charge was visited with the heavy fine of forty shillings,—a great sum for that period), and murder. Corporal injuries were also liable to the penalty of were,—intended as a requital for the vengeance imposed upon kinsmen, as a sacred and even hereditary duty. But times had changed,—by the constitutions of Clarendon, of the 21st of Henry the Second (1174-5), murder, theft, or robbery, were not left to private vengeance, but were tried by the oaths of twelve knights of the hundred (acting as compurgators, whence our trial by jury), and, if so many were not to be found, by the oaths of twelve freemen. Eventually, the advantage of trial by the great assize prevailed over that by battle.

Lastly, the charter was granted with the view of better enabling the borough of Salford to administer to the exigencies of the state.

Accordingly, Ranulf confirmed in the name of himself and heirs, all the invaluable liberties and customs offered to the burgesses and their heirs against all people for ever, saving a reasonable talliage, to be levied whenever the lord king should tax his boroughs throughout England.

This last extract from the charter is sufficient to shew, that one of the objects which Ranulf had in giving a free charter was to aid him in paying the talliaiges to which Henry the Third frequently resorted, as well as to aid in the supply of men required for foreign expeditions, or for the defence of Lancashire against the dreaded invasions of the Scots. With this object in view the incident of scot and lot was inseparable from a borough.—Thus, as lawyers have explained to us regarding this public duty, every freeman of a borough was to contribute to the public charges by paying with all other burgesses his scot, and taking his share in the other public burdens, or LOT, that is, by serving in his turn in the wars, keeping watch and ward, and filling in succession the public offices which were required for the state generally, or locally for a borough.

And hence it was enacted in a law, that the freemen inhabiting the places of which they were burgesses, were bound to contribute to the common scot of the place, and to bear the lot of the public offices required to be performed there.

That the freemen of Salford were held to take their LOT in active service upon the requisition of their sovereign, is proved by the description of heriot required upon the death of a burgess, consisting of a sword, or a bow,

or a lance. The scot for which they were liable is exemplified in the talliages demanded.

Such were the privileges conferred upon the free burgesses of Salford. The value of them consisted, first, in the liberal terms upon which heritable burgages might be acquired; secondly, in the commercial encouragement given to industry, though, in some degree, based upon erroneous principles; and, thirdly, in the laws by which the free borough was to be governed,—which laws were even in advance of the age wherein they were framed. At the same time, the free burgesses were under the obligation to afford their quota of support, by means of talliages, to the exigencies of the state.

## CHAPTER VI.

### EVENTS DURING THE BARONIAL SWAY OF THOMAS GRESLET, THE SIXTH BARON.

Thomas Greslet succeeded his father about the year 1231. He was probably in his minority, as his investiture is not stated. He is simply recorded to have done homage for his lands.

In a post-mortem inquisition, "Robert de Gredly" is reported to have "held twelve knights' fees in the county of Lancaster, *infra limam*, et *extra*."

Upon the legitimacy of the term "*limam*," at least two different opinions have been expressed. Sir Peter Leicestershire, in adverting to an old saying, "None do me service beyond the lime," regards the word "*lima*," or "*lime*," as an old corrupt version of "*linea*," and observes that there were two towns situated on the verge of the Cheshire palatinate, namely Ashton and Newcastle, to each of which the words "*subtus limam*" were appended.

Other antiquaries, however, have a very reasonable objection to the word "*limam*," which they would read "*lineam*," agreeably to the English version of Ashton-under-Line; and as pointing to the local situation of the town which was "under the line" of Mercian Cheshire, whence it would become distinguished from another Ashton, namely, Ashton-on-the-Mersey, which, as its name imports, was not situated "under" but "upon" the great Cestrian boundary.

But even this last explanation cannot but be received with hesitation, owing to the almost uniform, and even deliberate, preference given in ancient charters to the word "*limam*."

Happily, however, whether the twelve knights' fees of which Robert Greslet died possessed be read "*infra limam* et *extra*," or "*infra lineam* et *extra*," the meaning is the same. Upon each view a reference is made to the great Mercian, or Cheshire, verge, or line, which is to be traced along the south-easterly and southerly districts of the barony from the Tame to the Mersey.

For instance, such of the knights' fees as lay below the verge, or line, of the Mercian boundary, of which were those contiguous to the Tame or Mersey as we trace the same from Ashton-under-Line to Flinton,—as well as those occurring in the district of Widnes, adjoining the great estuary of the Mersey, would become variously expressed by the term "*INFRA limam*," or perhaps "*INFRA lineam*."

On the other hand, such of the knights' fees as were

situated more remotely from the Mercian verge, or line, for instance those to the north of the Salford Hundred, or in Leyland, would be designated as *EXTRA limam*, or according to some antiquaries, "*extra lineam*."

### § 1. RANULPH DE BLUNDEVILLE RESISTS THE ENCROACHMENTS OF THE COURT AND OF THE PAPAL SEE.

About this time the lands of the kingdom became subject to the heavy contribution raised by Henry the Third, to enable him to discharge the debts contracted by his recent expedition into France. The contribution amounted to three marks for every knight's fee. As this levy did not prove sufficient, Henry called together a parliament to demand a further aid, which the Earl of Chester, in the name of the barons of England, refused, declaring that they had sufficiently assisted the monarch not only with their fortunes, but with a prodigal sacrifice of life.

Along with this mismanagement of state affairs, the people began to be clamorous on the subject of papal PROVISIONS, by which was meant the inhibition of English bishops and lay patrons from presenting English natives to such benefices as were, or might be, vacant, with the view of securing them to the enjoyment of foreign ecclesiastics, who were often Italian priests, or creatures of the pope. Against this abuse of the suspension of patronage, the Earl of Chester took an active part. He employed himself no less in moderating the public indignation, than in endeavouring to bring Hubert de Burgh, the ill-fated adviser of the king in his unconstitutional league with the pope, to a tribunal of his country.

This was the last act of De Blundeville's useful and meritorious life.

### § 2. RANULPH DE BLUNDEVILLE DIES, AND IS SUCCEEDED IN HIS LANCASHIRE POSSESSIONS BY WILLIAM DE FERRARS.

Ranulph de Blundeville died in the 17th of Henry the Third (1232-3), having custody of the castle and honour of Lancaster.

He had married, for his first wife, Constance, widow of Geoffrey, fourth son of Henry the Second, and mother of Prince Arthur [the Constance of Shakspeare's King John], who was daughter and heir of Conan, Duke of Brittany and Earl of Richmond, in right of whom Ranulph assumed the title of Dux Britannie, Comes Cestrie et Richmondie. He was divorced from her in the 2nd of John (1201), and married for his second wife, Clemence, daughter of William de Fulgiere, and sister of Geoffrey de Fulgiere, with whom he had the manor of Belington; and, lastly, he married for his third

wife, Margaret, daughter of Humfrey de Bohun. By none of his three wives had he issue.

Ranulph left his inheritance to be shared by his four sisters, co-heiresses, of whom Agnes, the third in point of age, had married William, Earl of Ferrars. She had for her share the castle of Chartley, in Staffordshire, and Powis, and, along with these, all the lands formerly possessed by William Peverel between the Ribble and the Mersey, which had been forfeited to Ranulf Gernons, her grandfather, as well as other Lancashire estates acquired by her late brother. To these lands was attached the payment of a relief of fifty pounds, as well as the annual tribute of a goshawk, or fifty shillings into the king's treasury.

William Earl of Ferrars was the sixth in lineal descent from Robert de Ferrars, lord of Tutbury, who had been raised by King Stephen to the earldom of Derby, for his prowess at the battle of the Standard; which title had been confirmed to the family in the 7th of John (1205-6).

§ 3. A DEAN OF MANCHESTER IS RECORDED BY HOLLINWORTH AS LIVING IN THE YEAR 1235.

This dean has the initial J prefixed to his title, and hence, it is possible he might have been the same with one who lived in the time of the late baron, Robert Greslet.—[See page 41.] Hollinworth states as follows:—"In ould evidence I find, Anno 1235, J Decan de Manucestre. Jurdan Capellan ejusdem villæ."

§ 4. THE FUNCTIONS AND JURISDICTION OF THE DEAN RURAL.

In the thirteenth century, when the diocese of Litchfield and Coventry comprised that of Chester, the diocese of Chester, as I have already remarked, contained two archdeaconries, namely, those of Chester and Richmond. While the latter comprised eight deaneries only, the archdeaconry of Chester could boast of twelve, among which the united deanery of Manchester and Blackburn was co-existent in Lancashire with two others, namely, those of Warrington and Leyland. The united deanery of Manchester and Blackburn then included ten churches or parishes, namely, of Manchester, Eccles, Prestwich, Bury, Middleton, Rochdale, Ashton, Flixton, Blackburn, and Whalley. No historical proof, however, is afforded that it was the rector of Manchester, who, in the quality of dean, uniformly presided over these ten churches, or, in other words, that the functions of the rector and the dean of Manchester were necessarily united in one and the same person. It is possible to suppose that the incumbent of any one of these ten churches,

or, even that some active clerk without any living whatever in the deanery, might have been appointed dean rural over the whole.

A dean of Manchester having been thus traced in the annals of the thirteenth century, it will be our next object to investigate the nature and character of his clerical functions, regarding which much additional light has been recently thrown by the Rev. William Dansey, in his *Horæ Decanice Rurales*.

In most parts of England the deans owed their appointment to bishops. In some localities they were said to have been chosen by the archdeacon, the clergy, and the people, subject to an episcopal approval. But in the archdeaconries of Richmond and Chester, both before and after the foundation of the see of Chester, the rural deans were exclusively the servants of these archdeacons, whose power within their respective archdeaconries was an irresponsible one;—who were so entirely exempt from episcopal rule, that they could even refuse citations to appear at the archiepiscopal court of York. No traces also of their appointments are to be found in the episcopal records of the see of Lichfield and Coventry.—[*Horæ Dec.*, vol. i, p. 119, 152, and vol. ii, p. 609.]

The duties of the rural dean may be summed up as follows:—Along with a supervision of the religious and moral state of the laity, he was under the obligation to see that the spiritual ministrations of the clergy were correctly performed. The lives and manners of the clergy also came under his notice. He even examined candidates for holy orders. He was the guardian of the temporalities of the churches comprised within his deanery. Every three weeks he presided over the rural chapters, in which a voluntary or contentious jurisdiction was exercised. Lastly, at episcopal synods he was the delegate and representative of the parochial clergy comprised within his deanery.

In the exercise of these various functions, an assistant, under the name of a sub-dean, or chaplain, was allowed to the dean. It was also required that deans and sub-deans should be distinguished by their attire:—they were ordered to dress their person in close copes; *cappis clausis decenter utantur*.—[*Hor. Dec. Rur.*, vol. i, p. 223, and vol. ii, p. 21-4.]

Decanal apparitors, or beadles, were likewise allowed to the deans;—every apparitor to be of the order of acolyth. While the deans were summoners, the beadles aided in the execution of the decanal office.—[*Horæ Dec. Rur.*, vol. i, p. 381-6.]

In the more ancient canons, nothing is said about rural chapters in England. In a later period

of Anglo-Norman history, while the bishop ruled our synods, his deputy, the archdeacon, or otherwise a rural dean, presided over chapters. In some places, the rural deans, who were first inspectors and afterwards judges, enjoyed a perpetual jurisdiction, being subordinate only to the archbishop and bishop (*vicarii episcopi et archiepiscopi*), with power to act by themselves as deputies.

It has been supposed that the dean was invested in his office by the delivery of a common seal, which was chiefly for the purpose of being appended to the decrees of the chapters, and that this was the ordinary way of instituting rural deans; the seal being returnable to the bishop, or archdeacon, upon the death of each dean, or committed into custody by his order, preparatory to being delivered over to a successor.

An oath also was no doubt administered, but we possess only a modern form of one, which throws little or no light on the usages of the thirteenth century.

The last object of inquiry has a local interest. It relates to the alleged union of the rectoral and decanal office in Manchester.

It is easy to suppose, that, if the rector of Manchester was necessarily a dean, as Whittaker imagined, any long absence from his weighty responsibilities would have been impossible. Yet in a memorial of the fifteenth century representing the religious destitution of Manchester, it was distinctly and most solemnly declared, that in by-gone days the rectors were remotive, and very seldom cared to personally reside in the parish. Under these circumstances, it is not easy to suppose that the archdeacon of Chester, to whom the selection of a rural dean was intrusted, would have preferred the rector of Manchester, as the most suitable functionary to superintend the spiritual concerns of the ten livings which conjointly formed the deanery. The presumption rather is, that the office of dean of Manchester was not unfrequently sought from some other incumbency within the district. I need not add how much this view is strengthened by the fact, that Albert de Neville merely designated himself "Rector of the Church of the Blessed Mary of Manchester." If he had been likewise a dean, surely the title would not have been omitted.

The conclusion is, that the rector of Manchester was not uniformly, but occasionally, dean of the deanery of Manchester and Blackburn.

In the foregoing section no attempt has been made to explain, in their full detail, the decanal functions and jurisdiction. If complete satisfaction on this subject is

required, recourse must be had to the learned work of the Reverend William Dansey, which leaves us nothing to wish for.

Yet, that there may not be a perfect blank under this head of inquiry, I have attempted, with no little labour, to so condense the information diffused through the two copious volumes of the *Hors Decanice Rurales*, as that an outline, certainly a faint one, may be presented of the office and jurisdiction of the dean rural.

In this abstract I shall describe, under separate heads, (a) the functions, and (b) the jurisdiction of deans rural.

#### (a) THE FUNCTIONS OF DEANS RURAL.

The functions of deans rural may be briefly explained after the following manner:—

In the first place, there was intrusted to them a supervision of the laity. A coercive power was given them, independently of chapters, which was sanctioned by the pope, to reprove Christians who lived in any open and scandalous sin, and to exhort them to repent, as they would answer to God and the church. The deans might also allow any layman to vindicate himself by a certain number of compurgators. Occasionally they were, as we might suppose, confessors and penitentiaries. They were also exorcists and catechists. And, lastly, funeral and testamentary duties were intrusted to them, being charged with lay burials and lay testaments. They could, for instance, inhibit Christian burial to laymen guilty of usurious exaction, unless before death they had made ample restitution for wrongs committed.—[*Hors Dec. Rur.*, vol. i, p. 228, 230, 245, 250, 252, 338, &c.]

2dly. Another duty of the rural deans was the supervision of the spiritual ministrations of the clergy. They were, in fact, specially charged to support church discipline, and supervise the externals of religion, being, in this respect, a description of spiritual police. While they officiated in the teaching and enforcing of sacramental duties, they presented to the ordinary, all cases of dereliction; they exposed, for instance, the names of such priests as for lucre's sake would say two masses instead of one;—they were responsible that the duties of the Rogation Week, in processions, or parochial perambulation, were complied with;—they took cognizance of the non-observance of the canonical hours;—and they were required to notice that the clergy were strictly canonical in their habit and tonsure.—[*Hors Dec. Rur.*, vol. i, p. 254, 267, 288, 294, 298, 337, &c.]

3rdly. The lives and manners of the clergy came under the supervision of rural deans. This was an important office at a time, when, according to English historians, the peace was frequently broken by the dissoluteness of clerks, the numbers of whom were more than was requisite for the exigencies of the church. While it was the office of deans rural to visit, admonish, and console the clergy in health and in sickness, in life and in death, they exercised in their parochial visitations a severe scrutiny over moral conduct. The clergy were forbidden dishonest games, such as running at the quintain, miracle plays, may-day sports, or dice. In the time of Henry the First, when the clergy of the realm were allowed the society of their wives upon the payment of a certain composition and yearly tax, the deans collected for the king's treasury these "wife compositions." But in the more rigorous times which followed, it became the duty of deans rural to notify the marriages and other carnal excesses of the clergy, and to punish incontinence. Very frequently, in the chastisement of clerical offenders, the civil and ecclesiastical courts came into collision; in which case, whenever



a clerk, shaven and shorn, was made prisoner, the dean rural was required to intercede for his immediate liberation.—[Hors Dec. Rur., vol. i, p. 164, 178, 259, 269, 171, 279, 282-7, 344, &c.]

It is supposed that deans rural examined candidates for holy orders, and that they were instrumental in presenting such as were approved of to the altar, for the episcopal act of ordination. It is more certain, however, that they were concerned with induction, or with giving corporal possession of benefices. Thus, in 1220, it is recorded of a dean rural, that he inducted a prior and canons into certain appropriated tithes. They were also empowered to prohibit the sons of clergymen, or "illegitimates," from succeeding to ecclesiastical benefices without the papal dispensation.—A similar vigilance (not adverted to by Mr. Dansey) they would, no doubt, exercise in regard to any illegal, or clandestine attempt of villeins to obtain ordination. Agreeably to a regulation of Henry the Second (cited by Merewether and Stephens), no villein could be ordained without the assent of the lord upon whose land he was born, for this reason, that ordination, or dedication to religion would have made him free from the jurisdiction of his lord.—And that no informalities, from any source whatever, might occur, rural deans were required to keep registers of all priests and other clergy who might officiate within their respective jurisdictions;—they were to announce the death of any clergyman to all the mother churches of their respective jurisdictions;—to specify whether the party died testate, or intestate;—and to see that the rites of burial were duly celebrated over all departed pastors of their respective deaneries.—[Hors Dec. Rur., vol. i, p. 262-6, 302, 308, 361, 368-74, &c.]

4thly. In the next place, deans were the guardians of the temporalities of the church, on most occasions. It may be shewn, for instance, that in the year 1220, a decanal inquisition valued the rectories by which the five vacancies of the priory of Dunstable were formed. A similar vigilance was exercised by the deans rural during sequestrations. "It appears," says Mr. Dansey, "that the whole of the ministerial department of sequestration,—whether during the vacation of a benefice for the supply of the cure, the management of the profits and sustentation of the church buildings,—or, during incumbency, for enforcing necessary repairs (in case of noncompliance on the part of the beneficiary, after due admonition to amend defects),—or, pendente lite, in instances of disputed title,—or for neglect of serving the cure after institution and induction,—or for debts, or any other cause,—was consigned, of old, to deans rural in England." In connexion with these duties, deans rural had the care and examination of the material fabric of the church and ecclesiastical buildings generally, including the manse, the church yard, church utensils, goods and ornaments, sacraments and sacramentals. Again, in co-operation with archdeacons, they were enforcers of the sentence of superior judges in tithes causes; while, for the recovery of mortuaries and heriots, they possessed an independent authority.—[Hors Dec. Rur., vol. i, p. 311, 320-38, and vol. ii, p. 65-74, &c.]

Owing to this familiarity of deans rural with the labour of appreciating the value of benefices, the papal see was at length induced to make use of their services in the valuation of all ecclesiastical endowments whatever, with a view to the compilation of a valor beneficiorum, or book of rates, by which all incumbents, whether religious or secular, were assessed in the amount required from them of the first fruits and tenths of their revenues, as well as in all other subsidies demanded for the purpose of

regaining the Holy Land, or any other pretence.—[Hors Dec. Rur., vol. i, p. 413-22, and vol. ii, p. 94-7.]

That deans rural were made accountable for the annual tribute of Peter pence, collected from every family at the feast of Saint Peter, is not recorded, except in the diocese of Canterbury. They were not, however, merely collectors of the pope's impositions. It is stated, in Bishop Gastrell's account of the later ecclesiastical jurisdiction of Chester, that they were likewise obliged to collect the synodals, pensions, and other dues belonging to the bishop. This was, no doubt, an office very anciently intrusted to the dean rural, having resulted from the power which he possessed in presiding over rural chapters, to enforce all the dues of the church.—[Notitia Cestriensis, vol. i, p. 27. Edited by the Rev. F. R. Raines for the Chetham Society.]

The origin of synodals, or cathedraica, has been explained after the following manner:—Parishes were originally comprised, or not comprised, within the sphere of a regular diocese. When the parochial church was partitioned off from the cathedral endowment, an acknowledgment, in token of subjection, was given to the bishop in the form of an annual pension, named cathedraicum,—conceived to be the same as the church scot of the Anglo-Saxon church.—[Hors Dec. Rur., vol. i, p. 82 and 421.]

Other church dues, besides those mentioned, supposed to have been collected by deans rural were pentecostals, or Whitsun farthings, being the oblations of parishioners rendered originally to the mother church, but, at a later period, to their priests.—[Hors Dec. Rur., vol. i, p. 423-4; Dr. Hook's Eccles. Dict., 5th ed., p. 714.]

A last ecclesiastical imposition, described by Whittaker as collected in Manchester, which would fall under the cognizance of the dean rural, was the leet-shot, or wax money, which consisted of a certain quantity of wax due from each hide of land of the value of one silver penny, being paid three times a year (a halfpenny each time), namely, at Candlemas, at the vigil of Easter, and at that of All Saints.

#### (b) THE JURISDICTION OF DEANS RURAL.

After having at length stated the functions of deans rural, the next object is to explain the institution and economy of the rural chapters, otherwise called consistory, calends, synods, and sessions, by which they were enforced.—[Hors Dec. Rur., vol. ii, p. 41.]

By the term "chapter" may be understood the clergy of the guild, or deanery, assembled under a rural dean. It was a sort of ambulatory curia Christianitatis, of which the president was a decanus Christianitatis. The rural chapter consisted of parochial incumbents of each deanery, or their curates, as proxies; while the rural dean officiated as president, and, in his absence, a sub-dean, who, with the consent of the diocesan, or archdeacon, had a vicarious commission.—[Hors Dec. Rur., vol. ii, p. 1-20, 23.]

In England two descriptions of rural chapters were constituted;—the first, in imitation of the secular courts of manors, was held every three weeks for ordinary business;—while the second was probably intended to be analogous to the periodical hundred courts of Michaelmas and Lady-day,—with this difference however, that while hundred courts were annually held twice, spiritual tribunals were convened four times a year.—[Hors Dec. Rur., vol. ii, p. 6, &c.]

Rural chapters possessed a jurisdiction which was either voluntary or contentious.

When the jurisdiction was voluntary, it was founded

upon the inspectional report of congregated ministers without the solemnity of a judicial process, and it might be exercised without the intervention of clerical co-assessors. In such a report was conveyed a perfect knowledge of the moral and religious conduct of the deanery, with a view to correction.—[Horn Dec. Rur., vol. ii, p. 33-40.]

But when the jurisdiction assumed a contentious character, much of the matter was transacted which now belongs to ecclesiastical courts. Personal suits were adjusted, and, upon formal presentment being made of offenders against the law and discipline of the church, the dean, after examination and proof of the same, merely admonished such parties as were guilty of minor irregularities; while, for any greater crime, he had the power of suspending laymen from the sacraments, and clergymen from the execution of their office;—but he could not proceed to any more serious punishment.—[Horn Dec. Rur., vol. ii, p. 41-55.]

The punishments capable of being inflicted by rural courts Christian, are stated to be as follows:—monition, purgation, penance, suspension “*ab ingressu ecclesie*,” and suspension “*ab officio et beneficio*.” There may be a doubt whether excommunication was a power legally vested in the dean, but it was said to have been inflicted in the case of refusal of tithes. With regard to fines, the deans were forbidden to accept any pecuniary commutations for crimes amenable to their jurisdiction.—[Horn Dec. Rur., vol. ii, p. 56-65.]

Whether, by a prescriptive privilege, rural chapters could take cognizance of matrimonial causes, as of divorce, &c., without a special episcopal, or archiepiscopal permission, has been disputed.—[Horn Dec. Rur., vol. ii, p. 81-6.]

In some dioceses the deans rural possessed a testamentary jurisdiction;—a practice which long survived the abolition of most other privileges of rural chapters, particularly in the archdeaconry of Chester, as was pointed out by Whittaker.—[Hist. of Manchester, 4to, vol. ii, p. 385; Horn Dec. Rur., vol. i, p. 185, and vol. ii, p. 75-80.]

Again, a power was exercised in the rural court Christian of holding inquisitions of vacant benefices, involving the right of patrons and the qualifications of the clerks presented. But, in a period of church history wherein, as will be shewn hereafter, the grossest and most profligate abuses subsisted in the dispensation of patronage, it was found that the evil was increased by the submission of contested questions of this nature to the needy members of rural chapters, among whom, the power vested in them was often abused, to the displacement of rightful incumbents, and to the substitution of illegal successors. As a consequence, in the year 1281, Archbishop Peckham abrogated the privilege.—[Horn Dec. Rur., vol. ii, p. 87-91.]

In other questions, however, less favorable to the influence of intrigue and bribery, where little more was required than a local knowledge of the property of the church submitted to arbitration, the decision of rural chapters became more satisfactory, as, for instance, in questions of appropriation.

After the principle of APPROPRIATION had been introduced into the English church, by which rectories, originally possessed of tithes, glebe, and offerings, were assigned to religious houses and monasteries, whence the origin of vicarages, the chapters of the deans rural were highly useful to diocesans in the inquisitions which were made into the value of the rectories, and the competent portions to be assigned to the vicarages, for the purpose of localising and maintaining a parochial clergy.—[Horn Dec. Rur., vol. ii, p. 92, 93.]

In the next place, may be explained the subordination of decanal to episcopal synods;—premising, however, that synods were not unfrequently claimed by archdeacons, upon the plea of prescription, &c.

Deans rural were concerned in the citation of delinquents into higher spiritual courts, and of making certificatory returns, receiving warrants from the bishop, or his substitute.—[Horn Dec. Rur., vol. i, p. 375-80.]

The constitution of a synod was as follows:—It consisted of the bishop, as president;—of cathedral deans, in the name of their collegiate body of Presbyters;—of archdeacons; as deputies, or proctors, of the inferior order of deans;—of rural deans, in the name of the parochial clergy, as the proper delegates, and standing representatives of that body, to consult with the bishop upon all matters connected with the church and its local discipline;—and of the parochial clergy, who, in addition to deans and archdeacons, were obliged to personal attendance, but if prevented by sickness, or other causes, might depute the archdeacons and rural deans to act for them, after the manner of German synods.—[Horn Dec. Rur., vol. i, p. 206-27.]

Synods were held in different places and periods twice a year,—though Lyndwood says only once a year. These synods undertook to punish with the censures of the church the refusal to attend decanal capitula.—[Horn Dec. Rur., vol. i, p. 185 and 212.]

When the members of synods were assembled in council, the deans, agreeably to their injunctions to be diligent in their overseership, presented to the bishop their acts of visitation, attesting the same upon oath, and informing him daily, or by letter, of the temporal and spiritual circumstances of their respective decanates, delivering to him formal presentments, in scriptis, of all that was amiss in the rural districts under their charge;—paying also the several taxes due on account of the parochial clergy to the diocesan, of which imposts they were the official collectors.—[Horn Dec. Rur., vol. i, p. 215.]

Deans rural had some necessary attendants at these synods. They were accompanied by two “*juratores synodi*,” or “*testes synodales*,”—whence our questmen, or sidesmen, i. e. synodmen. It was also customary for them to employ “*maturiorem, honestiorem atque veracioris virum*,” as synodal witnesses, to give information upon oath.—[Horn Dec. Rur., vol. i, p. 206, &c.]

At these synods reference was not unfrequently made to the proceedings of decanal chapters, which were often highly useful to the diocesans, as, for instance, in making ordinations of vicarages, aided by decanal capitula.—[Horn Dec. Rur., vol. ii, p. 93.]

Such were the functions of the dean rural, which were both onerous and complicated. A natural question occurs,—in what way was this functionary reimbursed?

In the earliest accounts of deans rural, they appear to have laboured under a want of fixed salaries, whereby they were induced to extort extravagant fees. But, in 1240, Walter de Cantelupe, Bishop of Worcester, forbade them to accept any pecuniary composition for crimes amenable to their jurisdiction. It has been also stated, that deans rural had in general no coming in; but this is difficult to credit. In the *Notitia Cestriensis* of Bishop Gastrell, it appears that the office of the dean rural was considered so lucrative, that a certain rent was paid by him to the bishop in consideration of the profits which he enjoyed. But it is uncertain if this rent was incidental to the office so early as the thirteenth century.

We know more of the manner in which the dean rural was reimbursed for his personal expenses at these chapters.

Whittaker has explained, that the rural dean had a right from each beneficed clergyman, or church, personally visited by him, of a procuration from each, or one day's entertainment for himself and his attendants. Eventually, these procurations, which originally consisted in provisions, were commuted for pecuniary compositions.—[Whittaker's *Manchester*, 4to, vol. ii, p. 384; *Horn Dec. Rur.*, vol. i, p. 164, 172-4.]

With this brief sketch of the office of the ancient dean rural, my task is completed, in the course of which an accumulation of references to each individual page whence the information might have been collected, has been avoided as liable to greatly embarrass the course of the narrative. And if in any instance a doubt may arise in the want of perspicuity or stability of the information produced, I would prefer that a suspicion of misconstruction, or inadvertence, be attached to myself, rather than that any exception should be taken to an author whose learning, industry, and care, have produced one of the best monologues extant, in this department of ecclesiastical history.

#### § 5. CERTAIN FEUDAL EVENTS WHICH OCCURRED AFTER THOMAS GRESLET CAME OF AGE.

Subsequently to Thomas Greslet coming of age, we may take a glance at the feudal state of the barony.

In the livery of lands, which, by the death of Ranulph Blundeville, Earl of Chester, fell to the share of Agnes, wife of William de Ferrars, some delay took place, owing to their having been seized, at the instance of the king, for alleged misdemeanors of bailiffs. It was not, therefore, before the 26th of Henry the Third (1241-2), that the earl was allowed, by virtue of a fine of one hundred pounds to the king, to have the livery of the three wapentakes of West Derby, Leyland, and Salford. And as William de Ferrars had the custody of the Honour of Lancaster, the feudal tenures of the barony of Manchester then began to be expressed after the following manner:—"Roger de Pilkington had the fourth part of a knight's fee, of the fee of Thomas de Grelly, who then held it under the Earl of Ferrars, the king's tenant in chief." Or, as on another occasion: "Gilbert de Barton held a knight's fee in Barton, of the fee of Thomas Grelly, and he of the lord of the honour of Lancaster, and the earl of the king."

Immediately afterwards, the county of Lancaster became an earldom. Eleonora, wife of Henry the Third, had an uncle, Peter of Savoy, who was created Earl of Lancaster.

In connexion, apparently, with the appointment, we find it recorded of Thomas Greslet, as well as of his successors in the barony of Manchester, that he became liable to take his turn in the duty of castleward, in Lancaster.

Of the military force of this period, two kinds

existed. The first, which chiefly employed the watch and ward of borough towns, or castleward, was to protect our domestic peace from aggression or disturbance;—while the second, to which we may next direct our attention, was to maintain the king's and the nation's rights abroad.

The military services of this period, comprising the quotas required of money and men, which were imperative upon the possessors of fiefs, varied from twenty to forty, and even to sixty days. Half a fief imposed half a service, and so on. These services were fulfilled by feudatories, sometimes alone, but, more frequently, accompanied with a certain number of men.

At this time (the 26th of Henry the Third), we find the king, at the instigation of his mother Isabel, who had married for her second husband the Count de la March, determined to make fresh attempts to recover the domains of France, of which he had been bereaved. His application, however, to the parliament for aid was fruitless. They had no heart for a renewal of the expensive and ill-planned campaigns of the weak monarch. Upon this occasion it is recorded, that when Thomas Greslet had summons to fit himself with horse and arms to attend the king in his expedition into France, he gave one hundred marks, besides his ordinary scutage, to be free from that duty.

Henry, however, was not to be diverted from his object. In the following year (the 27th of Henry the Third) he embarked for Rochelle, and, in this campaign, Thomas Greslet was induced to serve. Being thus in the king's service beyond the sea, he was quit of his service of castle guard to the county of Lancaster.

The expedition, which was ushered in by the reduction of Fontenoy, proved in the end most disastrous. As Henry obtained little support from the promises of the Count de la March, a truce took place with Lewis most disgraceful to the English arms.

The support which Thomas Greslet gave to his sovereign must have been an expensive one, of which some few indications may be traced in the subinfeudments which took place about this period, as, for instance, of part of a knight's fee to Richard de Perpund, of half a knight's fee in Rumworth to William de Worthington, of lands in Worthington to Robert de Latham, &c., &c.

In the 31st of Henry the Third (1246-7), William de Ferrars, who had married Agnes, sister and co-heir of Ranulph de Blundeville, died, leaving issue William his successor. But it was not until four or five years afterwards that the heir William de Ferrars [Comes Derby] had a grant of

such offices for conservation of the peace between the rivers Ribble and Mersey, as Ranulph, Earl of Chester, formerly had, and, along with these, Liverpool, West Derby, Boulton, Penelton, Salford, &c., &c.

The last feudal event to be recorded is the grant of free warren, which Thomas Greslet had confirmed to him over the lands of Manchester and Horewich.

Within the barony there was much sporting ground. The wood of Aldport, a mile in circumference, which was used by the tenants of Manchester for pannage, contained within it an airy of hawks, and eagles. The park of Blakelegh, covered with oaks, was seven miles in circumference;—it was productive in honey, bees, and "mineral earths;" it was valued for its pannage, and it contained an airy of eagles, besides herons and hawks. But the glory of the whole was the extensive chase of Horwich, which merits a more particular description.

It is evident, from an examination of manorial records, that a prescriptive liberty of the chase had subsisted throughout the barony of Manchester time out of mind, and that local forest laws had been framed for the protection of the game to the use of the lord. But in order to obviate any dispute to the contrary, from the newly-created Earl of Lancaster, a confirmation of the privilege by the crown was desirable.

As no animals of the class of *feræ naturæ* could be appropriated without license of the king, unless they were claimed by prescription, which was frequently challenged, and as no lands could otherwise be converted into a franchisé or privileged place for the keeping of beasts and fowls of the warren, the lord of Manchester had availed himself of the well known inclination of the king to relax the severity of the forest laws, and interceded with such success that in the 33rd of Henry the Third [A.D. 1248-9] he had obtained the royal grant of a free warren over the estates of his barony.

Thomas Greslet, in the spirit of the Norman Veneur, regarded the forest of Horewich as the most valuable appendage of the manor of Manchester. It is also rendered highly probable, from an examination of manorial records, that the baron's chief residence was not at Manchester, but at a hunting seat which he built for himself at, or near, Heton-under-the-Forest, for the sake of hunting and hawking upon the grounds of Horewich.

A street (one of the oldest in Manchester) meeting at right angles the northern termination of the Denegate, and anciently running parallel to, and overlooking the dené, or ravine, by which the Baron's Hull was insulated,

H

led across the Irwell at Salford to the Upper Bailiwick of the barony, of which Heton-under-the-Forest was the chief seat. This street, from time immemorial, has borne the name of "Cateaton" street. Can "Cateaton" have been a corruption of "Gate Heton?"—the C and the G in Lancashire being often mutually interchangeable letters, while the H is rarely aspirated. In withholding an opinion on this question myself, I shall leave it, as in a former case, to be determined by some learned Lancashire Dryadust, with the remark, that near York there is still a "Gate Fulford," indicating the road leading to Fulford, and a "Gate Helmsley," or the road approaching Helmsley;—the same mode of expression occurring in other parts of England. Hence, the term Gate Heton, if Cateaton be supposed a corruption of the same, would merely indicate the ancient road leading from the Lower to the Upper bailiwick of the barony. But if this etymology be unsatisfactory, I would recommend the reader to suppose with many Manchester antiquaries, that the name of the street "Cateaton" identifies itself with its original resident, "Kate Eaton," probably cotemporary with the Giant Tarquin of the Castle-field.

But to return to the forest of Horewich.

The forest laws of Horewich are so highly curious, that it would be unpardonable not to notice them, even though the object of this work be strictly ecclesiastical. Although not described until the extent of the barony was taken in 1322, they have a date of origin which is referable to a far more remote period; the right of free warren in the barony having been originally prescriptive.

#### THE FOREST LAWS OF HOREWICH.

In a manorial record of Kuerden, the extent of the forest of Horewich is stated at sixteen miles in circumference. A very interesting account of its natural physiognomy was drawn up nearly seventy years ago by Mr. Dorning Rasbotham, who, in remarking that this ancient forest, with its wild boars, falcons, and eagles, and with its woody dingles, had disappeared, gives the following traits of its rude scenery—"of its wild and sterile mountains and regions of the moors." The brook of the valley, as he adds, shows the violence with which the floods after heavy rains sweep down with a noise resembling thunder, while the channel is filled with rude fragments of rock which have tumbled over each other. Interspersed also, in this savage district, are remains of antiquity to which the remotest dates belong. Of these are "the Wilder Lads," which crown the summit of Horewich Moor, being two rude piles of stone comprised within a large circular mound; the "Hanging," or "Giants Stone," situated in the township of Turton, which is a large stone elevated upon another piece of rock, with the rude mark upon it of a cross. To these might be added "the Danes' Dyke," running from north-west to south-east.

But we may now confine ourselves to the period of the Greslets.

The moor of Horwich is described as arising from both wood and pasture; having a vesture of oaks, elms, and other trees, which extended to the adjoining township of Lostock, where, in addition to oaks, hazel trees and thorns are described.

Although the extent of the forest was rated at sixteen miles in circumference, its boundaries were so much disputed by adjoining proprietors, among whom were the Ladies, that the greatest vigilance was required to prevent intrusion, or trespasses. According to the manorial record, it was to "several," or divided, "that none might enter it without leave of the lord."

The laws of the chase, as they appear in the "extenta manerii," were as follows:—

Three foresters were required to be sworn, and assigned to keep the forest of Horwich. They were to be supported in bread, drink, and victuals by the tenants, or cultivators, of forty bovates of land. Eight of these bovates are stated to lie in Lostock; four in Rumworth; four in Heton-under-the-Forest; three in Halliwell; one in Sharpley; two in Longworth; and seven in Anderton. The names of the remaining bovates do not appear.

The duties of the foresters may now be described. The chief of these was to answer to the lord for all trespasses in the pannage, herbage, minerals, honey, bees, series of hawks, herons, and eagles; verd, venison, and all the like issues of the forests by themselves, or otherwise, according to the contingencies, or seasons of the year. The minerals are elsewhere described as consisting of millstones, iron, ores, and ashes, indicating the ancient existence of "blowshoppes." It is also stated, that in the adjoining township of Lostock, there occurs a pannage, series of eagles, herons and hawks, honey and bees.

The fines for trespasses were as follows:—For any beast found in the forest without a license, the owner, by fixed custom, was to give sixpence; and in case of one hundred beasts, more or less, being found without license in this forest belonging to one owner, there was not more to be given for that trespass than sixpence, as aforesaid.

Another duty of the three foresters related to agistments, by which was meant the rates charged for feeding other men's cattle. It was ordered, that the foresters should answer to the lord for all agistments, as made by the lord's bailiffs, or by themselves, on their behalf, if thus required.

Some proportion of the emoluments arising from forfeitures and agistments, no doubt, fell to the share of the three foresters; for it was demanded, that they should give for their bailiwick every year four pounds.

In the next place, various directions were given to the three foresters concerning the preservature of the hawks.

The first of these related to the survey of the nests during the breeding season. It was required that when the hawks had begun to prepare their nests, the foresters should forewarn the villagers to assemble in "Horewichley," and, being sworn, they were to thence go through all the forest, and see how many nests had been made.

In the second place, during the hatching season, the foresters were required to remain in the forests guarding the nests by day and by night until the feast of Saint Barnabas ["the longest day and the shortest night"]. During the time of the foresters guarding the nests, every bovarius, or cowherd, was to find for them six oaten leaves and one pennyworth of victuals.

In the third place, on the day of Saint Barnabas, when it was presumed that the hawks had hatched, the villagers were to return into the forest to take the chickens from the nests, delivering each to the foresters, or other of the lord's bailiffs there present.

And if the villagers or cowherds should fail in their duty, they might be prosecuted in the court of Manchester, after the manner of [neglect in] the custom of ploughing.

The penalties, according to the custom of ploughing, are described as follows:—"And if they fail in any article of the said customs, they may be prosecuted by the foresters in the court of Manchester, and there punished according to the law and custom, by the customs of ploughing, to wit, that they should plough every bovat

of land, arable of old time, and not newly laid out, belonging as well to Michael [in the Harl. MSS. Nicholas] de Longeford as his tenants, and all others in Whithenton, Ditesbury, Barlow, Chatterton, Denton, and Haldon, wherever they should be assigned in Manchester, if the possessor of that bovat have a plough at the time."—[See Keurden's MSS. in the Chetham library; also apud Baines, vol. ii, p. 187.]

#### § 6. THE LANDS OF ORDESHAL, WHERE EXISTED THE CHAPEL OF A HERMITAGE, ARE CONVEYED TO DAVID DE HULTON.

The cave of Ordeshal, originally dedicated to the rites of Odin, was probably first modelled into a Christian chapel by Cluniac monks, invited over at the close of the eleventh century by William Peverel, lord of Nottingham. These pious men are supposed to have aided in the safe conduct of travellers during the sudden rise of waters to which the Irwell was subject.—[See page 10-13.]

In the middle of the thirteenth century, however, or perhaps long before, it would appear that these offices of mercy had fallen into disuetude. In order, notwithstanding, to afford some security against the perils of deep flooded wastes, stone crosses were erected at various intervals of distance along the proper track, vestiges of which remain near Stretford and elsewhere, consisting of headless pedestals. In a complete state, these Christian emblems, inviting adoration, were hailed as landmarks, or as meters of the depth of the waters, calculated to fortify and cheer the sinking spirits of the devout, yet faltering wanderer.

The lands of Ordesal, distinguished by the hermitage, lay contiguous to the sixth part of the fee which Richard de Hulton had held of the fee of the Earl of Ferrars (brother-in-law of Ranulph de Blundeville), who held it in chief of the king. The son and successor of this earl, William de Ferrars, conveyed to David de Hulton, along with land in Flixton, the manor of Hordeshall [Ordsall], for the homage and service of two marks of silver, and the sixth part of a knight's fee.

#### § 7. THE SUFFERINGS OF THE CHURCH FROM PAPAL PROVISIONS, NO LESS THAN FROM ROYAL INTERFERENCE.

During this period, great were the evils arising from the rights of patronage to ecclesiastical benefices being arbitrarily suspended by the pope, no less than by the king.

It was in the year 1241, that the pope had given orders to the Archbishop of Canterbury and to two of the bishops, to reserve no fewer than three hundred of the best livings in England for the use of the Italian clergy, on pain of being suspended

from the power of collating. Owing to this, no less than to other tyrannical provocations, the evils and discontents occasioned by papal provisions became so great, that, in 1245, a letter had been addressed by the nobles and commons of England to Pope Innocent the Fourth, at the general council of Lyons, which boldly set forth the spiritual grievances of the nation. Among numerous complaints, first, of the immense subsidies transmitted through different legates to the church of Rome, and secondly, of the injustice sustained by religious houses in their being defrauded of their rightful patronages and collations of benefices, the petition went on to state, that Italians and foreigners, out of number, whom the pope and his predecessors had suffered to possess churches and benefices in England, gave no protection to their respective charges, but left them of wild wolves to be devoured;—that they did not keep any hospitality, or practice any almsgiving, but only took up the rents of their benefices, carrying them out of the realm, to the end that their brethren, their nephews and kinsfolk, might be thereby sustained;—that they received yearly out of England no less than sixty thousand marks per annum, besides other avails;—that if any benefice exceeded thirty marks, the pope's legate would continue to give the same away to Italians, whereby true patrons were despoiled and defrauded of their rights; &c., &c.

The petitioners then, in a bold and decisive manner, represented that “they neither could patiently suffer such oppressions, so detestable to God and man, and grievances intolerable, neither, by God's grace, would they suffer them, through the means of the pope's godly remedy, which they would hope and trust to speedily obtain.”

This address had no other effect than in making the pope more cautious in the exercise of his supremacy, and the king a little more jealous of the royal prerogative.

Subsequently, Henry himself began to make encroachments, no less upon the privileges of the church, than upon the civil liberties of the people. After restraining the clergy from taking cognizance of civil matters belonging to the laity, except in matrimonial causes and last wills, he took upon himself the bestowing of benefices upon foreigners, and the retaining an unreasonable time in his hands bishoprics and abbeys, with the sinister view of enjoying their revenues. The remonstrance of his subjects against these abuses, he treated with contempt.

Such was the general state of religion at the time when Thomas Greslet died. The English church was alike suffering from popery and monarchy.

It is, perhaps, possible to trace the existence, at this time, of usurpations of patronage in the historical allusion made, during the fifteenth century, to the by-gone sufferings of the church of Manchester, which, it was supposed, could only be remedied by a new ecclesiastical foundation. The petitioners piously remonstrated, that “the church of Manchester had a large, ample, and very populous parish, and that the rectors very seldom heeded to reside there,”—a result, which, in most instances, flowed from the custom of papal provisors. At the same time it is only fair to add, that there existed abuses in church nominations, perfectly independent of the unauthorised usurpation of the Roman see, or even of royalty, whence arose “the great danger arising to souls” of which the parishioners complained.

#### § 8. THE DEANS RURAL EMPLOYED IN THE VALOR BENEFICIORUM OF 1254.

It is worthy of remark, that at the time when England was most under the dominion of the pontiff, namely, during the successive reigns of John and Henry the Third, the regime of the rural deaneries and archdeaconries was much encouraged, no less with the view of strengthening the papal dominion by enlisting special functionaries for its support, than of rendering the new rural deans, then created, instrumental towards the collection of papal dues, over which, in sequestered districts, the pope's legate might otherwise have had little means of control.

In the year 1253, Pope Innocent the Fourth granted, for three years, to Henry the Third, the tenths of all ecclesiastical benefices, or spiritualities. The impost was levied by the dean rural, assisted by three rectors, or vicars, of his chapter, who, upon oath, certified to the justness of the estimate of every church revenue within their knowledge, and returned the same “in scriptis,” ratified with their respective seals, to their bishop, which gave occasion to the Norwich taxation, or Pope Innocent's valor.—[*Horræ Dec. Rur.*, vol. i, p. 415, and vol. ii, p. 92-7, &c.]

These decanal inquisitions, which began to be made subservient to the strictness with which papal and royal subsidies were enforced, gave to the rural deans an unpopularity from which they never recovered.

#### § 9. THE CONDUCT OF THOMAS GRESLET DURING THE AGITATION OF CERTAIN CIVIL AND RELIGIOUS QUESTIONS.

Henry the Third, in consequence of his expensive wars in Gascony, and his proposed expedition with an English army to the Holy Land, in which he proved faithless to the Crusaders, was compelled

to seek an aid from parliament, which, in the outset, was resisted, when many forfeitures of lands ensued. It is to this cause that we must attribute the escheat which took place of the lands of Manchester and Horwich forest. The entry was as follows:—"38th Hen. III. Thomas Greile, Manchesterre, Horewych forest' terr Lancast'."

Subsequently, however, the parliament, with the greatest reluctance, was induced to grant the king a tenth of the ecclesiastical revenues and a scutage of three marks upon every knight's fee, on condition that he would publicly take a renewed and still more solemn oath of adhesion to the two great charters of John, from which, at the instigation of the pope, he had declared himself absolved.

After this occurrence we find Thomas Greslet in the repossession of his estates, although the escheat does not seem to have been formally rescinded. But this omission may be satisfactorily attributed to the religious and civil distractions of this eventful period.

In the events which followed, the king's unpopularity was, if possible, greater than ever. In, or about the year 1259, he allowed the pope to exact a subsidy from England of five thousand marks, while the honour of the nation was still farther compromised by the very inglorious peace concluded with Saint Louis.

From these and other causes, so low had Henry's authority sunk among the nobles of the land, that when he required his military tenants to take the field against the Welsh, who had revolted and overrun a great part of the Flemish province of Pembroke, little regard was paid to the royal mandate. As Thomas Greslet, however, had previously suffered for his opposition to the king, his zeal for the integrity of civil and ecclesiastical institutions had greatly cooled. In seeking, therefore, to reinstate himself in the royal favour, he was among the number of the barons who obeyed the summons to repair to Henry at Chester. For this compliance, he was, in the following year (A.D. 1260), constituted warden of the king's forests south of the Trent.

#### § 10. ANNO 1261-2.—DEMISE OF THOMAS GRESLET.

The chief incidents in the life of Thomas Greslet have been related. There is no evidence that he took any interest in the barony of Manchester, independently of the gratification which the forest of Horewich afforded him for the sports of the field. In this respect, he was a worthy progenitor of Gaston de Foix, who, according to genealogists, could boast a descent from the original stock of the Grealets.

In the 46th of Henry the Third (1261-2), Thomas Greslet died,—seized of the manor of Manchester and its appurtenances. It would appear, that he held five and a half knights' fees in Manchester;—in other parts of the Honour of Lancaster six fees, and one-third part of a knight's fee, with one-twelfth part of another knight's fee, in chief from the lord the king.

Various infeftments are recorded of him, as, for instance, in favour of Gilbert Barton, Matthew of Haversag (in Withington), Robert de Lathom, Richard de Pierpund for the third part of a knight's fee in Rumburst, William de Worthington, and Roger de Pilkington.

The marriage of Thomas Greslet is not recorded. His eldest son, Robert, must have died in the lifetime of his father, leaving behind him a son in tender years, also named Robert, who in a formal law plea is styled "*Robertus filius Roberti primogeniti Domini Thomæ Greleigh*."—[Pl de Ass. apud Winthor, 52 Hen. III.]

#### § 11. THE CHURCH OF MANCHESTER IS PLACED UNDER THE CARE, OR WARDENSHIP, OF PETER, SECOND SON OF THOMAS GRESLET.

The living of Manchester, independently of the dues derived from a large parish, had been enriched during the Saxon period with the gift of a carucate of land, besides a donation of glebe left for its support by the Greslet family. This church would, therefore, form an acceptable addition to the benefices enjoyed by papal favourites.

Accordingly, it was to obviate such a probable usurpation of the pope's emissary in England, that, immediately upon the death of Thomas Greslet, the church of Manchester was placed under the care, or wardenship, of the second son of the baron, during the minority of the grandson Robert Greslet, who was heir to the estates of the lordship.

This will be now explained.

It has been stated, that owing to the death of Thomas Greslet's oldest son during the lifetime of his father, he was succeeded in his estates and honours by a grandson, then of very tender years.

But the late baron had also left behind him a second son, who, there is little doubt, was in orders, to whom, according to Kuerden, he gave his manor of Manchester and Childwall, together with the chapels of Assheton, Hale, and Garston. "*Thomas Greille dedit P. de Greille, filio suo, manerium de Manchester et Childwalle, cum capellis de Assheton, Hale et Gaстан, dictis ecclesiis pertinentibus*." After the decease of Thomas Greslet in 1261, it may be suspected that there was some uncertainty whether Peter Greslet would

be permitted to retain, against the provisors of the pope, the advowsons of no fewer than four churches. An inquisition accordingly took place, when it was found that Thomas Greslet had held of the king in capite;—that he had not infeoffed his son, Peter, of the manor of Manchester;—and that, by reason of the minority of the heir, the custody thereof did appertain to the king until the full age of Robert Greslet, grandson and heir of the said Thomas.

After the claims of Peter Greslet to be admitted possessor of the churches and manor of Manchester had been disallowed, great anxiety seems to have been entertained, lest, during the minority of the grandson, the church of Manchester should be the subject of one of the pope's provisions, whereby the right of patronage would be arbitrarily suspended, in order to be bestowed upon some foreign ecclesiastic. In the spirit, therefore, of the clause of Magna Charta, which secured to patrons of livings the custody of them, during vacancies, it was conceived politic that Peter Greslet, uncle of the patron, then a minor, should, as a protector, be formally declared "*Custos ecclesie de Maincestr.*" Accordingly, this title appears in the record of an assize plea, in Winchester, relative to a church in the county of Buckingham. "*Petrus de Greleigh custos ecclesie de Maincestr' cognovit quod vult et concedit pro se et heredibus et assignatis suis quod si vivente Domino Philippo Basset Robertus filius Roberti primogeniti Domini Thome Greleigh, qui quidem Robertus est heres ipsius Thome,*" &c.

## CHAPTER VII.

### EVENTS DURING THE BARONIAL SWAY OF ROBERT GRESLET, THE SEVENTH LORD OF THAT NAME.

Any attempt to describe the annals of the church of Manchester would be a most unsatisfactory task, without some digression,—a digression more apparent than real,—having for its object the explanation of such feudal innovations, or such municipal institutions as might have accompanied changes of an ecclesiastical character.

In a document bearing a date rather later than that to which our more immediate attention is directed, yet being a post mortem inquisition on the retrospective state of the barony, as it actually subsisted in the time of Robert Greslet the seventh lord thereof, certain important changes are indicated affecting the social relations of the district, which it may be important to investigate. The inquiry is suggested to us by the notice which the record takes of what are named "Bondage lands."

### § 1. THE BONDAGE LANDS OF GORTON, ARDWICK, AND CRUMPSALL.

These estates, named "Bondage lands," included within the manor of Manchester, were said to have conjointly yielded to the lord, quarterly, a sum of one hundred and forty-seven shillings.

In the existence of possessions under the name of "bondage lands," we are furnished with an additional proof, that the increase of villeins upon an estate had threatened to so far outrun the means of subsistence, that, in order to stimulate to a greater degree of effective zeal the servile tillers of the land, under whose indifference, or apathy, the productiveness of the soil was languishing, encouragement was given them, by new boons of manumission, to look for an advancement of their hitherto degraded position in the social scale of the country. This was accomplished by the lord encouraging, to a limited degree, an expansion of their industry, directed to the exclusive benefit of themselves and their respective families, otherwise doomed, by laws of nefity, to be slaves. Without removing them from his lands, he rendered them possessors, to a certain extent, of the fruits of their respective labours, or ingenuity.

The mode by which this was accomplished may be now explained.

It must be kept in view, that the villein could not, like a freeman, possess property, or, at least, could not alienate the same without the consent of his lord. It was for this reason, that if, upon the demise of a villein, the lord accepted of a relief, instead of insisting upon the whole of the effects which the deceased might have left behind him, the acceptance of such an acknowledgment involved in it the admission, that the reputed villein possessed property over which the lord of the estate had no control,—an incident perfectly incompatible with the condition of pure villeinage. As a consequence, therefore, the natural descendants of the villein had the legal right to claim, that their parent was not of the condition of a villein, and that hence, by the laws of nefity, they were entitled to their emancipation. And again, if a lord merely entered into a contract with his villein regarding tenure, the conclusion was equally legitimate that the lord had thereby acknowledged that he did not possess an absolute control over the whole of his villein's effects, which under a state of pure villeinage he would have had, and, hence, that the reputed villein was not a villein, but legally free.

According to the principles laid down, the simple declaration by a lord to his villein that a relief would be required from his effects after his death, or the insertion of his name upon the rentroll of a manorial court, or court baron, by which would



be implied an actual contract of the lord with his villein for conditions of tenure, amounted to an emancipation, agreeably to the merciful law of William the First, which declared, that if the lord merely permitted his villein to appear as if he were free, he lost over him every legal right, and the slave acquired his absolute freedom.

In the vicinity of Manchester, as at Gorton, Ardwick, and Crumpsall, such lands as were characterised by the emancipation of the villeins labouring upon them,—became distinguished by the name of bondage lands,—an expression, as is generally supposed, of the bonds, or restrictions which such lands imposed upon tenants. But this is, perhaps, too forced or inadequate a meaning. "Bonda," in the Anglo-Saxon language, signifies "a husbandman," and "bondi," in the Danish, "colonus," or "ruricola."—[See Bosworth's A. S. Dict., and the Northern Lexicon of Rask.] Now, although the name might have originally implied a tributary, or dependant, and the phrase "bonde-land," or bondage land, "terra tributaria," yet it is very doubtful if this was the full meaning of the term so late as the thirteenth century. "Bondage lands," or "bonde-lands," would be characterised by their being surrendered to the tenancy of Saxon bonds, or husbandmen, who, by dint of emancipation, had risen from the base condition of villeinage.

Such was the nature of bondage tenure near Manchester, which in other parts of England was named "base tenure," in scornful allusion to the base or low origin of "tenants in villeinage," as Fitzherbert invidiously names such as had become entitled to all the privileges of free, or law worthy subjects. Tenants in villeinage were also named "tenants-at-will;" that is, they held their lands at the mere will of the lord, by whom also they were removable at pleasure.

A "base tenure" implied that the services were base, that is, befitting husbandmen, to the exclusion of all such services of the "tented field" as were then deemed honourable. The nature of these base services finds an illustration in the manor of Assheton-under-line,—an ancient infeftment of the lordship of Manchester. The tenants at will were bound to yield to the lord an annual fixed rent;—to give a present at Yule, or Christmas;—to plough, harrow, and shear for the lord a certain number of days;—to cart his turf or fuel;—and to pay at their demise a relief, or "principal," consisting of the best beast of which they might severally die possessed.

In this point of view, the bondage tenure of Lancashire contrasts with drengage, or thanage tenure, equally of Anglo-Saxon origin. For in-

stance, Gilbert de Notton held by right of his wife thirteen bovates from the king in THANAGE for twenty-six shillings.—Robert Gerneth held from Robert de Clifton by DRENGAGE tenure,—meaning a subinfeudation.—[See page 44.] And, in the present instance, BONDAGE tenure implied the distribution of minute portions of land among a still lower rank of landed tributaries, approaching, perhaps, to the "bordars" of the Dom-Boc, and known in Anglo-Saxon, or Danish times, under the name of bondes, or husbandmen. As an exemplification of this last kind of tenure may be particularly cited the manor of Assheton-under-line, the customs of which in the fifteenth century have fortunately met with record.—[Account of the manor of Assheton-under-line, by S. Hibbert, M.D., F.R.S.E., &c.]

## § 2. THE TOWN OF MANCHESTER CHARACTERISED AS A BOROUGH.

Owing to the inconveniences sustained from the state of villeinage, municipal charters continued to increase, in which were various salutary provisions tending to mitigate such hardships.

Regarding this state, a brief recapitulation of what has been explained may be now expedient.

The villein was not law-worthy; he could not purchase a burgage, nor could he trade, for this reason, that he was supposed not to possess any property which was not that of the lord to whose estate he was attached. He could not, in a borough town, bear his share of scot and lot; and if, in the endeavour to escape from these civil disabilities, he sought to enter the church, he was stopped, in limine, by being refused ordination.

This is a summary of what was the political state of the villein. But ever since the coming in of the Normans, a succession of attempts had been made to give the villein an opportunity to free himself from thralldom, of which the most effectual was the law which conceded to him his freedom provided he remained a year and a day in a borough town. Accordingly, with the increase of borough towns, the opportunity of escaping from feudal thralldom had proportionally increased. This invitation to villeins to seek in the protection of crowded towns an asylum from slavery, was greatly promoted by the charters which were granted. Thus, for instance, it is expressed in the Nottingham charter, that if any one, from what place soever he might be, should dwell in the borough one year and one day in time of peace and without claim, no person afterwards but the king could have right over him.

Of the civil state of Manchester during this disturbed period, we know little more, except that

it was described as "a borough town," by which was merely meant, that it was a town the peace of which was secured by the inhabitants being enrolled in frank pledge. There were no chartered privileges conferred, which sanctioned the possession and transmission of heritable burgages, or which allowed the burgesses to annually elect a reeve, or prefect, from among themselves, or which conferred any other valuable municipal boon. In this sense Manchester was not a free borough. Its title even to the appellation of a borough town was at a subsequent period of the present history disputed.

It may not be easy to assign a reason why Manchester was denied the liberties which had been conceded by an enlightened statesman and warrior, Ranulf de Blundeville, to the sister town of Salford. At the same time, many curious illustrations might be given of the repugnance felt by lords of high degree towards such privileged boroughs, as, by the influence of the crown, were every where springing up. For instance, after emancipation had been extended to every villein, who, by mingling with the crowded population of borough towns had been enabled to dwell unchallenged a year and a day, numerous individuals of this despised class had not only been enabled to become free from villeins' caste, or condition, but, like native freeholders, to even find favour with females of gentle lineage, notwithstanding the degradation of birth. This presumption was so revolting to their feudal oppressors, that free boroughs were not only held up to the finger of derision as so many "villein warrens," but in the case of wards belonging to ranks of higher degree, marriages with "villeins or others, as burgesses," were absolutely forbidden. Hence the statute of Merton, passed in 1235 (soon after the charter of Salford was granted), in which it was held out, in terrorem, that "lords who married those whom they might have in ward to villeins or others, as burgesses, should after such a disparagement lose their wardship." This was no slight threat, considering how profitable wardships were regarded.

### § 3. THE DISTURBED STATE OF LANCASHIRE DURING THE STRUGGLE FOR THE REPRESENTATIVE SYSTEM.

During the minority of Robert Greslet, grandson of the late baron, the county of Lancaster partook, perhaps more than any other part of the kingdom, in the disturbances which were affecting the constitution both of church and state.

The greatest amount of discontent was created by the pope releasing the monarch from the obligation of the oath which he had been compelled to swear at Oxford in favour of the liberty of the

subject;—which oath had been declared null and void by Louis, King of France, a chosen umpire in the dispute, who, however, was disposed to admit the validity of the Magna Charta of John. But this concession to the rebellious barons still remained unsatisfied, and a sanguinary war ensued, during which the king was taken prisoner by the nobles, and obliged to ratify the convention so odious to royalty, whereby the representative system was secured to us which England still enjoys.

Subsequently, Simon de Montfort, Earl of Leicester, who headed the insurgents, fell at the battle of Evesham. After a futile attempt of the younger Simon de Montfort to continue the contest, it ended in the discomfiture of the barons and the confiscation of their estates.

Among the nobles who had given the greatest support to the Earl of Leicester, was Robert, son of William de Ferrars, who, in the 38th of Henry the Third (1253-4), had succeeded to all the estates which his father possessed between the Ribble and the Mersey, among which were included the town and wapentake of Salford. When Robert was marching towards Chester with an army of twenty thousand men, consisting of horse and foot, he was met by the king's forces and defeated. He was subsequently detained in prison three years.

An opportunity was afterwards offered to Robert de Ferrars for the release of his estates by a heavy fine, upon the failure of which, all the lands which he possessed in Lancashire, along with other vast possessions in different parts of the kingdom, were given, in this amplified state, to Edmund Crouchback, the second son of Henry the Third, with the title of Earl of Lancaster, and, in addition, that of Derby. A foundation was thus laid for the surpassing power and splendour of THE HOUSE OF LANCASTER.

It would appear that, after Edmund Crouchback had been raised to the earldom of Lancaster, he was appointed guardian to Robert Greslet, baron of Manchester.

### § 4. ROBERT GRESLET ARRIVES AT FULL AGE AND MARRIES.

In the year when King Henry the Third died, and Edward the First succeeded to the throne (A.D. 1273), Robert Greslet came of age, when he performed homage. From the first to the fourth years of Edward the First, he was summoned to parliament. In the 8th of Edward the First, he married Hawise, daughter and co-heir of John de Burgh, whose progenitor was Hubert de Burgh, Earl of Kent, with whom he received lands in Northamptonshire, Somersetshire, and Sussex.

§ 5. THE GREAT ASCENDANCY WHICH THE MONASTIC ORDERS ACQUIRED IN THE NEIGHBOURHOOD OF MANCHESTER.

It was towards the close of the reign of Henry the Third that deans rural found that their influence within the circles of parishes committed to their jurisdiction had attained the greatest degree of weight of which it was susceptible. This is to be traced in the edicts which declared that ecclesiastical persons were perfectly exempted from the civil power, whence it followed that every attempt to punish the enormities and abuses of spiritual courts must be ineffectual. Of these acts is that of the 45th of Henry the Third (1260-1), which occurs in the constitutions of Boniface, Archbishop of Canterbury, wherein the strongest injunctions are given to the archbishops and all the clergy, that they do not allow themselves to be drawn under secular judgment. At the same time, the several ecclesiastical punishments of excommunication and interdict are threatened against all such, whether sheriffs or bailiffs, as ventured to summon or arrest the clergy,—from which threat not even the king was excepted.

And, in a statute of the 51st of Henry the Third (1266-7), entitled the statute of Marlborough, it was enacted, that in imitation of the privilege granted to earls and barons, all ecclesiastical persons whatever, including archbishops, bishops, abbots, priors, and religious men and women, should be exempted from attendance at the sheriff's tourn and court leet, unless their appearance was specially required.

To edicts like these we may attribute much of the degeneracy of ecclesiastics which prevailed. This would be first shewn in the morals of the lower clergy, who would scoff at the corrective tribunals of civil authorities. In course of time, the rural deans, who were themselves selected from the class of parochial priests, became tainted with the prevailing dissoluteness, whence the inefficiency of their tutelar functions and the reluctance to bring offenders to the judgment of courts Christian, whether decanal or episcopal. Bishop Grosseteste had been the first to complain of deans rural and bedels not being sufficiently watchful to prevent drinking bouts, named scot-ales, as well as ale-shots, forbidden sports, incontinencies, and other excesses.

In fact, from this time we hear less of deans rural being considered as the guardians of the morals of the laity, or as the enforcers of clerical discipline within each decal of parishes intrusted to them, than of their lending themselves to the purposes of ecclesiastical, and even of royal exactions, for which their local knowledge of benefices had re-

commended them as convenient tools. Although it had been declared that the church was to be free, and to have all her own rights and privileges inviolable, and that no one of the church was to be amerced after the quality of his spiritual benefice, but after his lay tenement, we still read of rural deans being employed as public tax gatherers,—as, for instance, in 1270, when the Bishop of Lincoln raised an immense sum for the king's use in Normandy to suppress rebellion.

From this period also, the secular clergy began to give way as ecclesiastical disciplinarians to licensed preachers of the friars, particularly of the Dominican or Mendicant orders, who, by Bishop Grosseteste, had been ordered to teach not only in churches, but even in the public streets, to the superseding of parish priests, who, in Edward the First's time, were generally described as ignorant and stupid. These friars were even, it is said, ordained as chorepiscopi, or suffragans.

During this melancholy state of parochial discipline, it will not be surprising to hear of the unconcern with which the successive rectors of the church of Saint Mary in Manchester were regarded, who, in the fifteenth century, had acquired an unenviable notoriety, as heedless of the cure of souls, which they had sacrificed to the acquisition of church temporalities.

This picture, so little flattering to the ecclesiastical regimen of Manchester, was not lost upon Robert Greslet, the baron, who restricted his bequests to the monastery of Stanlaw, or endowed no church save such as might be attached to this religious community. A similar motive had also actuated John de Lacy, Earl of Lincoln, who had purchased from the Barton family, and others, the living of the church of Eccles, the advowson of which, with lands at the grange of Mawnton Green, he had presented to the monks of Stanlaw. We also find that the abbot of Stanlaw held two carucates of land, or more, at Cadewellesheved, in the deanery of Manchester, upon an easy tenure, with which he had been piously favoured, so as to avoid the penalty of the law of mortmain.

The bequests recorded of Robert Greslet to the monastery of Stanlaw were two in number:

First, in imitation of the Lacies, Earls of Lincoln, who were the chief patrons of the monks of Stanlaw, aided by the influence of Robert Hamelle, abbot of the community, Robert Greslet gave to the monastery lands at Westwood, in the township of Barton, subject, however, to the legislative prohibition, that no lands be alienated to such an extent as that there should not be left sufficient to the lord of the fee for his service. According, the abbot, in being infeft with the lands,

was to perform the usual services appurtenant thereto, namely, to find wood for the use of the lord and his heirs, and, upon the death or removal of the abbot, relief, as if Robert Byram, the tenant, had held the same.

And, in the second place, the baron of Manchester gave lands to the church of Dene, which was a vicarage belonging to the same abbey of Stanlawe, situated in the neighbourhood of Horewich, as well as of the free warrens of the Lacies, earls of Lincoln, and the Ferrars, earls of Derby, which severally bordered upon each other. For the accommodation, therefore, of these three great chieftains of Lancashire, when they visited their respective hunting grounds, the abbey of Stanlawe had promoted the endowment of a church at Dene, the Saxon name of which expresses the character of the site, which was in a valley of the township of Rumworth. Through this romantic dell, or dene, the stream of the Croal flowed in a direction towards Bolton, while it was watered on the south-east by the Irwell. The church, dedicated to Saint Mary, was erected in a gentle declivity commanding the valley, or dene, whence its name of Saint Mary's Dene.

The gift of Robert Greslet is commemorated by Hollinworth, after the following manner:—"He gave to God and the blessed virgin, to the abbot of Whalley [the site to which the abbey was subsequently removed], and to the chapel of Saint Mary's Dene, now called Dene Church, all that land lying near to the said church."

We also find that Thomas de Pierpoint, whose family had been anciently enfeoffed by the Greslets with possessions in this neighbourhood, gave all his lands adjoining the chapel of Dene, and its cemetery, to the abbey of Stanlawe, and that Robert de Greslet confirmed the same.—[Baines's Lancashire, vol. iii, p. 23, where the records are cited.]

It may be remarked, that the bequests made to monasteries at this time were subject to the injunction of a national council held in 1268, that there should be no alienation of parochial tithes towards their support. How far the Lancashire donors had been enabled to preserve parochial tithes from being diverted from their proper channel, we are not informed.

From the various donations made to the monastery of Stanlawe at Barton, Eccles, Cadishead, or Dene, independently of the great reverence paid to the small religious community at Kersall, it is evident that the monks located in the neighbourhood of Manchester maintained a far greater ascendancy over the minds of the laity, than the secular clergy were enabled to accomplish.

#### § 6. DEMISE OF ROBERT GRESLET.

On the 15th of February, in the 10th of Edward the First (1281-2), some say the 12th (1283-4), Robert Greslet died in his homage, of course very young, otherwise he would have received the investiture which remained. He left a son and heir, Thomas, who, at his father's death, was not more than three years of age.

Soon after Robert Greslet died, it was found that he was seized of Withrington villa, Pilkington, Worthington, Coppull, Childwall et ecclesia, Manchester et ecclesia, et Aston ecclesia pertinent' ad Manchester maner',—also lands in Rutland, Norfolk, and other counties.

### CHAPTER VIII.

#### EVENTS DURING THE BARONIAL SWAY OF THOMAS GRESLET, THE EIGHTH LORD OF MANCHESTER.

As Thomas Greslet was not more than three years of age when his father died, the custody of the barony of Manchester was given during his minority to Amadeus de Savoy. This custody has been designated by a lawyer, perhaps not without reason, as a lucrative tyranny bequeathed by Norman conquerors, which gave to a guardian in chivalry the custody of every military tenant's estate, until he should arrive at twenty-one, without accounting for the profits.

The civil events which occurred during the minority of Thomas Greslet enter deeply into the history of Manchester, and, as such, may require particular notice.

During the reign of Edward the First, unprecedented acquisitions for men were demanded. The sheriff of Lancaster was ordered to distrain on all persons, not knights, seized of lands of twenty pounds a year, however held, and to require that their respective patents of knighthood be forthwith taken out. In the 10th of Edward the First (1281-2), persons holding lands of the value of thirty pounds per annum, were to be provided with arms against the Welsh, and, in the mean time, a thousand men were ordered to be impressed within the county. John de Kirkeby (there was a Bishop of Ely of that name, probably of the Lancashire family) was likewise empowered to explain the king's necessities to the people of Lancashire.—[Baines's Lancashire, vol. i, p. 264-5.] At the same time, the king demanded a loan from religious houses, and from all the merchants in the kingdom.

Much inconvenience, however, was sustained by the tenures of knights' service being limited to forty

days, beyond which time possessors of fiefs could be retained by their own consent only, or, otherwise, at the expense of the king. In continental campaigns the short duration of this service often rendered the force thus acquired nearly useless, and even when the possessors of knights' fees formed the battle line of heavy armed cavalry, it was found necessary, for the permanent efficiency of the army, to obtain recruits of foot soldiers, not absolutely limited to forty days' service, who should be well skilled in the bow, for the supply of whom a dependance was still placed upon the capability, or inexhaustibility, of feudal tenures.

In connexion with this less restricted term of service, a more comprehensive mode of obtaining recruits was deemed necessary. In the 13th of Edward the First was passed the statute of Winchester, by which every man between fifteen and sixty was to be assessed and sworn to keep armour according to the value of his lands and goods. For fifteen pounds and upwards in rent, or forty marks in goods, a hauberk, an iron breast plate, a sword, a knife, and a horse, were required.—Persons possessed of forty shillings in land and more, up to a hundred shillings, were to provide themselves with a sword, a bow, arrows, and culter, and all resiants were to have arms and armour in their houses, according to the quality of their lands and goods.

During the reign of Edward the First, the attention of the crown was directed to the natural tendency of subinfeudments, which was to increase the power of a mesne lord to whom military service was due, and to add to his independence, while it proportionally lessened the authority of the liege sovereign, who could only enforce his command through the medium of a secondary, or even a tertiary chief in subordination. For instance, the inconvenience arising from a complicated subinfeudment of this kind was exemplified soon after the demise of the late baron of Manchester, in a quo warranto, wherein, after stating that Robert de Grelley, who died in his homage, held the manor of Burnehill in chief of the king, it is added, that Peter de Burnhill held the same of Robert de Grelley by the service of half a knight's fee, but that, in point of fact, he did not hold it by military service, since he paid a fee firm of fifteen shillings in lieu of all service. In this case it is evident, that the military strength of the king, as lord paramount, had suffered by such a subinfeudment, and, to add to the evil, it was complicated with a commutation of service.

The inconveniences arising from subinfeudments, and their remedy, have been explained by Blackstone after the following manner:—In imitation of the king's greater barons, who, having a large extent

of territory held under the crown, (the seignory being often termed an honour,) had granted out smaller manors to inferior persons to be held of them,—inferior lords, in their turn, began to carve out and grant to others still more minute estates to be held of themselves. In this manner the mesne lords were proceeding ad infinitum, until the superior lords perceived that by this method of subinfeudation, they were losing their feudal escheats, which, in every instance, fell into the hands of any mesne or middle lord who might happen to be the immediate superior of him who actually held the land.

With a view of putting a stop to these subinfeudments, the statute of Westminster, or *quia emptores*, was enacted in the 18th of Edward the First, which directed that a feoffee should hold land not of his immediate feoffer, but of the chief lord of the fee, of whom the feoffer himself might have held the land, and that, for the future, no subject should create any new tenants to hold of himself. From this date, therefore, no new manor could be created.—[Blackstone, B. II., c. 6.]

#### § 1. THE SURVEYS OF THE BARONY WHICH WERE TAKEN DURING THE MINORITY OF THOMAS GRESLET.

In the course of Thomas Greslet's minority two principal surveys are recorded of the barony of Manchester, the first of which is alluded to by Hollinworth, who gives to it the date of 1282. It is of the 10th of Edward the First, being a local inquisition, *ad quod damnum*, of the manor of Manchester, which was made on the oaths of John de Biron and Geoffrey de Bracebrigge, knights, Jeffrey de Chathyrton, David de Hulton, Alexander de Pilkington, Thomas de Eston, Robert de Sorisworth, Richard de Radclive, Robert Unton, Adam de Cunclive, and Adam, son of John de Lever. The completest survey, however, has the date affixed to it of the 20th of Edward the First (1291-2), of which a brief, yet very interesting abstract has been given by the present Sir Edward Mosley, Bart., in his concise history of the manor, or seignory, of Manchester, published in Corry's *Lancashire*, vol. ii, p. 448.

From these various documents, we have a glimpse of the civil, as well as of the ecclesiastical state of the barony, during the long interval of Thomas Greslet's minority. While some notice may, therefore, be taken of the general result of the surveys, the attention will be more especially called to such details, as impart information concerning the social changes occurring in the town and vicinity.

The return to the writ of inquisition of the 20th of Edward the First, in confining itself to

Manchester, states that the manor of Manchester, Heton, and Barton, were held of Edmund, Earl of Lancaster, by service of doing suit to the earls of Lancaster and to the wapentake of Salford; the late baron (Robert Greslet) holding nothing of the king in chief in the aforesaid manors. It likewise gives various details of the subordinate manors, forests, mills, markets, fairs, bondage lands, tolls, burgages, law courts, customs, &c. &c., most of which have little or no interest in this history. It would appear, that the whole annual sum derived from the manor of Manchester amounted to £84 12s. 6½d., and from members of the same, such as Heton Norreys, Barton, Kuerdeley, and the forest of Horwich [printed Hepworth], £46 15s. 1½d. In addition, while Adam de Lever paid as an acknowledgment one barbed arrow at the feast of Saint Michael, Thomas de Eston rendered, at the same date, one goshawk.

But the infeudation of Assheton-under-line is better explained in a prior return of the date of the 12th of Edward the First. The immediate tenant who held the manor of Eston by a yearly rent of twenty-two shillings, or, in lieu thereof, a goshawk, was a Kirkeby. But by virtue of a fine, Thomas de Eston was allowed to hold the same, as a subinfeudation of the manor of Manchester, paying the rent of twenty-two shillings.

Among the lands contained within the manor of Manchester, it is stated that the bondage land of Gorton paid sixty-four shillings quarterly; the bondage land of Atherswyke [now Ardwick] forty-three shillings; and the bondage land in Crumpsall forty shillings. The nature of bondage lands has been already explained.—[See page 61.]

The lands of Crumpsall were not only distinguished as bondage lands, but as "assarted lands;"—the term "assarted" indicating forest lands which had been destroyed by the trees being plucked up by the roots,—perhaps incidental to emancipated villeins being introduced upon the estate, and admitted as tenants, by whom the soil was cultivated as "bondage land."

In this return, Manchester is not termed a free borough,—but, simply, a borough.

By the term "borough," nothing more was meant than a pledged group of "portmen," or townsmen, forming among themselves a system of police, whereby every man was bound in his decenna to those who were commorant near him as pledges, each being pledge for the other, so that if an individual should commit a crime, the nine associated with him would be amenable that the offender be brought to justice.

In Manchester mention is made of a court baron of the manor (*curia baronii manerii*), which has been

fully described, the pleas and perquisites of which yielded to the lord one hundred shillings yearly. But there was also another court of the borough of Manchester (*curia burgi de Manchester*), the annual perquisites of which were very inferior to those of the superior court, as they amounted to no more than eight shillings. This is probably the court which is described in documents hereafter to be explained, under the name of the laghemote. It was the court where the portmen took the oath of allegiance to the king, and were enrolled with their pledges, that they might be forthcoming at all times to do right and justice and to abide by the law, whence they became the *liberi et legales homines* of the town which they inhabited.

We also read of various rents accruing, as from "sakfee," meaning, perhaps, the fee for arbitrating in disputes, from "the farm of wards," and "from the farm of five foot bailiffs for having their bailiffs by the year."

Within the town of Manchester there was a water mill worth annually £17 6s. 8d., which entry shews that the profits of the mill, assigned in the twelfth century to the monks of Swineshead, in Lincolnshire, had ceased to be paid.

The lord also derived emoluments from a fulling mill, an oven, the toll of markets and fairs, from "the rent of assize of burgages," and from cottagers near the town.

A rent of £7 9s. 8d. is stated to have accrued from free tenants and from "foreign tenants" of Manchester. But it is well understood that, at this period, the term "foreigner" did not imply an alien merely, but any one residing out of the bounds, or liberties of a city, or borough.

## § 2. DURING THE MINORITY OF THOMAS GRESLET, THE RIGHTS OF PATRONAGE IN THE CHURCH OF MANCHESTER ARE USURPED IN FAVOUR OF WILLIAM DE MARCHIA.

During the minority of the last baron, there can be little or no doubt that Peter Greslet, his uncle, had been appointed "*custos ecclesiæ de Maincestr*," with the view of preserving the patronage from being invaded by a provisor in the person of some creature of the pope.—[See page 60.] Thomas Greslet, however, the present baron and minor, was not so fortunate as to have had a special guardian appointed to preserve the patronage of his church of Manchester, until he should have arrived at his full age.

Under an invasion of patronage, most probably by the Roman see, the church of Manchester unquestionably suffered at this time, as is evident from a subsequent allegation made by the baron upon

the occasion of an inquisition held on the question of patronage. Thomas Greslet, then no longer a minor, stated, "that the church of Ashton was dependent on the church of Manchester; that Robert Grelle, his father, was patron of the churches of Manchester and Ashton, and that he was within age at the time of the said Robert, his father, and that William de Marchia of his own act and deed had usurped it while he was within age."—[Placita T. Pasche, 32 Edw. I. Rot 71.]

In another document it is registered, that William de Marchia was parson of the church of Manchester, to which the chapel of Ashton was annexed. The living was then valued at two hundred marks annually.

§ 3. SURVEY OF THE ECCLESIASTICAL BENEFICES COMPRISED WITHIN THE DEANERY OF MANCHESTER AND BLACKBURN.—A.D. 1288-92.

About this time, according to Whittaker, there was a Johannes Decanus de Manchester. The authority for this assertion is not, however, furnished.

To the deans rural of England was intrusted the publication of church canons, of the decrees of provincial and diocesan councils, or of papal letters, along with the charge of explaining them to the people at large.

With the view of assisting Edward the First in the expedition which the monarch proposed to undertake to the Holy Land, Pope Nicholas the Fourth granted him for six years the first fruits and tenths of all ecclesiastical benefices, or spiritualities, in England. Accordingly, by the king's precept, a taxation was begun, and in the province of Canterbury was completed in the year 1291. That of York was finished in 1292.

The valor, as made out by rural functionaries, constituted the "verus valor," by which all the taxes due to the king, as well as to the papal see, were subsequently regulated. That of the "decanatus de Mainteicester, et Blackburn," comprised within the archdeaconry of Chester, was as follows:

|                                   | Coventr' Taxatio. |    |    | Ep. Decima. |    |    |
|-----------------------------------|-------------------|----|----|-------------|----|----|
|                                   | £                 | s. | d. | £           | s. | d. |
| Ecclesia de Maincester'           | 53                | 6  | 8  | 5           | 6  | 8  |
| Ecclesia p' t' &c.                | 20                | 0  | 0  | 2           | 0  | 0  |
| Prior de Lancast' p'cip' in eadm. | 2                 | 13 | 4  | 0           | 5  | 4  |
| Ecclesia de Prestwyke             | 18                | 12 | 4  | 1           | 17 | 4  |
| Burey                             | 13                | 6  | 8  | 1           | 6  | 8  |
| Middelton                         | 13                | 6  | 8  | 1           | 6  | 8  |
| Rakedale                          | 23                | 6  | 8  | 2           | 6  | 8  |
| Aston                             | 10                | 0  | 0  | 1           | 0  | 0  |
| Flynton                           | 4                 | 13 | 4  | 0           | 9  | 4  |
| Blackburn cu capell'              | 33                | 6  | 8  | 3           | 6  | 8  |
| Walley cu' capell'                | 66                | 13 | 4  | 0           | 13 | 4  |
| Sum                               | £259              | 6  | 8  |             |    |    |
| Inde decima.                      | 25                | 18 | 6  |             |    |    |

§ 4. WALTER DE LANGTON, RECTOR OF THE CHURCH OF MANCHESTER, TO WHICH THE CHAPEL OF ASHETON WAS ANNEXED.

On the 30th of January, 1292, William de Marchia, rector of Manchester, was made bishop of Bath and Wells. He was a favourite of Edward, and treasurer of England.

While the rectory of Manchester was then recorded to have been worth annually two hundred marks, that of Asheton was valued at fifteen marks.

The successor of William de Marchia was WALTER DE LANGTON, said to have been born at West Langton, in Leicestershire. According to Shaw, in his history of Staffordshire, he was nephew of William Langton, dean of York, canon of Lichfield, dean of the free chapel at Bruges, and pope's chaplain. This last appointment rather induces us to suspect, that the nephew was introduced to the rectory of Manchester as one of the pope's provisors.

A branch of this illustrious family, which, among other dignitaries conspicuous in English annals, has produced a cardinal and a lord chancellor, was settled about this period near Winwick, in Lancashire. A brother of the chancellor, Sir John de Langton, had married Alicia, the heiress of Banastre, by whom he held from the crown the lordships of Newton and Walton-le-Dale.

It is very doubtful if Walter de Langton, rector of Manchester, was ever resident. He is reported to have been keeper of the king's wardrobe.—[See the genealogy of the Langtons in Baines's Lancashire, vol. iv, p. 834-6.]

§ 5. THE EMBARRASMENTS SUSTAINED IN LANCASHIRE BY THE DEMAND FOR MEN IN THE WARS.

About this time the greatest exertions were made in all the counties, particularly in the northern ones, to array horse and foot for the king's service, preparatory to an expedition into Wales. Revived injunctions were given that orders of knighthood should be taken out, and all lands above one hundred pounds a-year were threatened, upon noncompliance, with distraint. In the year following, preparatory to an expedition into Gascony, all knights, abbots, and priors holding by military tenure, or sergeantry, were required to meet the king at Portsmouth, while the knights and freeholders in Lancashire were ordered to provide for the war their respective tenths.

Hitherto it was customary to obtain the military services of the younger sons, or more distant relatives of old families, upon the condition of granting them for the term of their lives small portions of lands and tenements, often renewable by a relief.

But in the course of time this plan was found to so greatly exhaust the issues; or profits, of a seignory, that a less expensive mode was resorted to for obtaining soldiers. This was by procuring them from the hardy husbandmen of bondage lands, or even from the class of villeins. They were emancipated for the purpose of transmuting them into foot soldiers and archers. For this purpose nothing more was required, as I have already explained, than granting to the villein a small portion of land subject to a relief upon his demise, when, according to the doctrine of the lawyers of that time, the lord who had hitherto, by the law of manupast, become a pledge for his villein, and was bound to produce him when required by justice, had, by the acceptance of this relief, transferred the obligation upon the fole meta, hundred, and leet, who were required to bind the villein, thus emancipated from a state of unqualified servitude, by pledges. He was, then, by the laws of the realm, qualified for the performance of any public functions, as of keeping watch and ward, or of service in the wars.

#### § 6. HUGH OF MANCHESTER.

"About 1204," says Hollinworth, "lived Hugo de Mancestria, a Dominican friar, provincial of the preachers in England, ambassador to Philip, King of the Franks, deane to Edward the First and Eleanor."

There is, however, great reason for supposing, that the birth-place of this divine has been mistaken. Hugo was a name through several generations of the family of Manchester, of Manchester, in the county of Warwick.—[Gregson's Lancashire, App. p. 237.]

As the biography of Hugo de Mancestre has no connexion whatever with this history, even on the supposition that he was a Lancashire man, it is sufficient to remark, that having entered into the confidence of Edward the First and Eleanor his queen, he accompanied Edmund, Earl of Lancaster, to Paris, with the view of recovering back the lands in Guienne and Aquitaine, which Philip of France, by a shameful breach of treaty, had kept back.—[For numerous particulars of Hugh of Manchester, see Baines's Lancashire, vol. ii, p. 193, and vol. iv, p. 826.]

#### § 7. THE HIGHER HONOURS OF CHURCH AND STATE ARE HEAPED UPON WALTER DE LANGTON.

It is difficult to say if Walter de Langton continued to hold the rectory of Manchester at this precise period. In 1295, he was lord high treasurer of England, and, about the same time, there took place his election to the bishopric of Lich-

field.—[Baines's genealogical account of the family in his Lancashire, vol. iv, p. 834-6.]

#### § 8. THE MONASTERY OF STANLAWE REMOVED TO WHALLEY.

In 1296, the monastery of Stanlawe, which had been greatly endowed with lands from the barony of Manchester, as well as from other neighbouring manors, was removed to Whalley.

#### § 9. A.D. 1299.—THE INSTITUTIONS OF RECTORS OF MANCHESTER FIND A PLACE IN THE CARTULARIES OF THE BISHOP OF COVENTRY AND LICHFIELD.

Previous to the last year of the thirteenth century (A.D. 1299), the annals of institutions to the rectory of Manchester are much broken. If, therefore, they now become less uncertain and perplexed, I am indebted for the favourable change to a most valuable communication sent me by Dr. Ormerod, the historian of Cheshire, to whom I would take the earliest opportunity of returning for it my most sincere and best thanks. The communication, to which frequent reference will be made in the course of the present history, is headed as follows:—

"Notices of institutions of rectors and wardens of Manchester, selected from a calendar of presentations to Cheshire benefices, preserved in Harl. MSS. 2071 (p. 175 original paging, and 155 present paging), and headed 'Ex cartularis Episcopi Coventriensis et Lichfeldensis in custodia Magistri... Archibald de Lichfield Generosi, lu: 1649.'"

"This calendar," adds Dr. Ormerod, "appears to be copied by one of the R. Holmes from the extracts made (under Dugdale's recommendation) from the Lichfield register by Vernon of Shakerley, when they were in private custody during the civil war, of which an account is given in extracts from Dugdale's letters in the introduction to the history of Cheshire."

The notices selected from this most important document, will appear in the course of the present history. Dr. Ormerod states, that "they are copied verbatim, but not literatim, as Holmes's contractions are obscure and irregular, and it appeared better to write the words at length."

#### § 10. OTTO DE GRANDISON IS INSTITUTED RECTOR OF MANCHESTER.—A.D. 1299.

In the notices of institutions contained in the Harleian MSS., as explained in the last section, Otto de Grandison is mentioned as follows:—  
p. 155.

Dominus Walterus Langton Registrum fol. 8.  
1299. 27 Edw. I. Manchester Otto de Grandison p...  
Johannis Griffin de Grandisone. Patr. Rex.



It would not be easy to divine the reason why the king, instead of the baron of Manchester, is, on this occasion, named the patron. A lapse of time in presentation is the most natural cause to be looked for, in connexion with the favour under which the family of Grandison were regarded by the crown. A regulation had subsisted, which, in a later period, gave occasion to an act, that if a patron did not present to a benefice within the half year after a voidance had occurred, and if the bishop of the district did not present to the same, —in this case, upon the expiration of a month after the half year had elapsed, the presentment and collation would devolve upon the king.

Of the family of Otto de Grandison, I have collected the following notices:—

Otto de Grandisone, uncle of the rector of Manchester, in the time of Henry the Third attended Prince Edward to the Holy Land, and in the succeeding reign of Edward the First was governor of Guernsey and Jersey, being also summoned to parliament. He had a brother William, described as “menial servant to Edmund, Earl of Lancaster,” who obtained for his faithful services to him the manors of Radley and Munsterwath, in the county of Gloucester. He was often in the wars against France and Scotland, and was summoned to parliament. William de Grandisone appears to have had three sons, Peter, John, and Otto;—the younger being the rector of Manchester.

Peter, the oldest son, was an adherent of Thomas, Earl of Lancaster, executed for rebellion, and was fain to purchase his pardon at a dear rate. Afterwards he was in the wars with France.

John Griffin de Grandisone, by whom the rector of Manchester was presented, had in the year 1309 the rich prebend of Masham;—4 Id: Oct: 1310, he was collated archdeacon of Nottingham;—A.D. 1317, by papal provision he was made prebend of Heydour-cum-Walton, cathedral of Lincoln, upon the death of Thomas Grandison, who died in curia Romana;—A.D. 1327, he was made bishop of Exeter.—[Willis's Cath., vol. i, p. 105, 152, and vol. ii, p. 183.]

Of Otto de Grandisone, the third son, who in 1299 was made rector of Manchester, we know little or nothing.

§ 11. THOMAS GRESLET GRANTS A CHARTER, BY WHICH MANCHESTER IS MADE A FREE BOROUGH.

Since the charter of Salford was granted by Ranulf de Blundeville, Earl of Chester, the Greslets had for nearly eighty years withheld the boon from Manchester.

After Simon de Montfort, Earl of Leicester, had insisted at Oxford, that four knights should

be chosen by the freeholders of each county to make inquiries into the complaints of the inhabitants, and to present them at ensuing parliaments, and that these parliaments should be held every year so as to include burgesses as well as ecclesiastical dignitaries, it became impossible to resist the increasing spirit of democracy which was infusing itself into the constitution, and to withhold from the larger towns charters of freedom, whereby they would be enabled, as free boroughs, to send citizens and burgesses to represent their respective wants before the councils summoned by the king.

Salford had long since ranked as a free borough, but hitherto was too poor to afford the expense of sending up representatives to parliament. The town considered that it possessed sufficient privileges in the immunities which its free burgesses in other respects enjoyed;—their rights being secured to them by fresh provisions of the laws.

In assimilating the proposed charter of Manchester to that of Salford, the first object was to offer on easy terms the acquisition of heritable burgages;—the second was to encourage commerce;—the third was to give the burgesses a wholesome set of laws for their internal government, under a reeve of their own choice;—while the fourth was to stipulate that the burgesses should grant talliages to the king in all times of need.

With regard to the first object, which was to offer on easy terms the acquisition of burgages, these were very acceptable to such freemen of small means as were desirous to improve their condition by the industrial arts. The law of the land had also interfered in behalf of the villein, who, if he settled in a privileged borough, was liable to be dispossessed of his burgage on the retrospective plea, that during his state of villeinage all which he might have possessed was his lord's. It was therefore enacted, that if a villein should come to a borough to dwell there, and should hold land within it a year and a day without any claim of his lord, he might remain for any time as a burgess,—that is, in enjoyment of the burgage by the possession of which he became enfranchised. This burgage was also transmissible to his descendants, in the spirit of a charter which the king had granted to the city of London, wherein it was expressed “that every child should be his father's heir.”

In the second place, the charter promised commercial advantages to burgesses. If the charter which Ranulf de Blundeville granted to Salford seventy years previously, was rather deficient in

the encouragement which it gave to the extension of commerce, means were taken to obviate this want in the rival borough of Manchester. During the reigns of Henry the Third and Edward the First, the commerce of the country had received a great stimulus. Merchants of Flanders and of the Hanse towns in Germany, namely, Lubec, Hamburg, Bremen, and Cologne, had been allowed to resort to fairs, such, for instance, as had received a royal charter in Manchester, there to buy and sell freely. In 1294, privileges had been granted to Italian merchants, subject, however, to the abatement of a right upon their merchandises, and at the time when Thomas Greslet was conferring his charter, there was an establishment of merchant adventurers, who had accomplished the partial introduction of woollens both in the west and north of England.

But commerce had still to struggle against many impediments. Although the villeins distributed over an estate exercised various trades, as those of the shoemaker, tailor, smith, or weaver, the products of their industry were generally disposed of to the chief profit of the lord. There were also villein merchants, as they were named, who carried goods to fairs on behalf of their lords, such, for instance, as belonged to the bishop and prior of Norwich. But the government perceived that the promotion of the industrial arts must necessarily keep pace with the encouragement given to such artisans as were suffering under the very oppressive law which declared, that from an incapacity to possess property followed the incapacity to trade. The principle, therefore, was established, that if an artisan not enfranchised be allowed to buy and sell,—which was often the case with the villein merchant, who undertook to secure to the use of his master a certain sum in acknowledgment of the privilege, as well as of his subjection,—a presumptive evidence was thereby afforded, that such a trader was free. And hence the general law of the land, that if a person traded he was free;—and if he continued so to do for a year and a day, or if he was in any trading guild, he was absolutely free.—[Merewether and Stephens, p. 396, 479, and 584.]

In the third place, the charter granted to Manchester the benefit of certain municipal laws by which the free borough was to be governed, one great cause of which was the abuses and tyranny of the sheriff's tourn. To amend these, several wholesome provisions were made. For instance, in the Westminster statute of 1285, it was provided, that all public duties of sheriffs, hundredors, and bailiffs should be discharged by the inhabitants

in the places where they should reside; and that the inquest should be taken by twelve lawful men at the least.

There can be little doubt that some such provision as this had emboldened Thomas Greslet to grant a charter of privileges to Manchester to hold independent jurisdictions, and that a further inducement was the fact, that the superior court of the wapentake of Salford had devolved to the king, with whom Thomas Greslet was in favour. He had no apprehension, therefore, that the creation of a new law court of Manchester, for the exclusive use of the burgesses, would ever stand a chance of being resisted on the ground, either that it interfered with the hundred court of Salford, to which Thomas Greslet owed a service, or with the more general jurisdiction of the sheriff's tourn. It will, however, be proper to keep in view, that, at this time, there subsisted real grounds for an objection of such a nature, which, half a century later, had its share in giving rise to a formidable law plea.

In Manchester there existed a court baron, as well as a subordinate laghmote for the use of the "portmen" or townsmen. But it was now proposed to create a new law court, the portemanmote, over which should preside a reeve chosen annually by the burgesses themselves. In this case, the laghmote became restricted to the occasional object of expediting justice during the intervals, when the portemanmote, or when the court baron might not be sitting.

The laws expressed in the charter, by which the peace and well being of the new free borough were to be maintained, kept pace with the improvements of the age. But their benefits were denied to the villein on the plea, that he was not law-worthy. The villein could not even be admitted as a witness, and, according to Glanville, an objection might even be made against him if he were born of a villein, and afterwards emancipated. This prejudice admits of an easy explanation. It was naturally inferred, that, as a villein was not a free agent, his evidence would be under the control of his master.

But the laws of the land again interfered in the villein's behalf. It was held that every man living a year and a day in a place was to do his duty in frank pledge at the court leet, and that if a lord neglected his claim during that term, the villein was to be treated as free, and, as a consequence, might be admitted to do duty at the sheriff's tourn, or court leet.

Some few special provisions were also made in the Manchester charter, by which villeins would be enabled to participate in the advantages of the

municipal laws confirmed by the baron of Manchester. These will be more particularly described in the course of the analysis proposed to be given of the charter of Thomas Greslet.

The greatest difficulty, however, had been in drawing the distinction between the civil and ecclesiastical jurisdiction. In the reign of Edward the First, the people of England were little disposed to concede too much to the spiritual authorities. It was enacted, that when a clerk was charged with felony, and demanded by the ordinary to be delivered to him, the prelates were to be warned, in opposition to the privileges claimed by holy church, that ecclesiastics indicted of such offences by solemn inquest of lawful men in the king's court, were by no means to be delivered without due purgation, so that the king should not need to provide any other remedy therein. By the tone of this declaration, the charter of Thomas Greslet had evidently received an impulse, when it declared, that "the burgesses of Manchester might arrest men, whether knights, or priests, or clerks, if found in the borough."

The allusion to knights resisting an arrest of this kind, had a reference to their usual practice of evading the hands of justice by the plea, that they were under the manupast, or domestic protection of some superior baron, not amenable to an inferior or petty court, like that of the portemanmote of Manchester.

In the fourth place, the object of the charter to Manchester, granted by Thomas Greslet, was to secure talliages to the king in all times of need.

The expensive wars of Edward the First, his resistance of the papal interference in matters purely temporal, and his pretensions to feudal superiority over Scotland, could not be supported without money and men. Thus, in the 24th of Edward the First, we find tenths and sevenths collected in Lancashire, and in another year an eighth, a fifth, and a seventh of the moveables of the subject, along with orders to raise three thousand foot soldiers for the Earl of Surrey to be sent to Newcastle-upon-Tyne. In 1298, owing to Wallace, after his victory, having penetrated to the borders of Lancashire, which he ravaged with fire and sword, still farther exertions were required from the sheriff and earl. Two thousand foot soldiers marching from Lancashire to Berwick were required to halt there until they were joined by a later levy to the same amount. Substitutes for priests, widows, and women, severally holding of the king, were likewise sent to Carlisle, and in the 28th of Edward the First (1299-1300), three

thousand men were raised;—all holding of lands to the value of forty pounds, to meet the king at Carlisle. Refractory persons who refused to send men to perform services in the defence of the marches, or against the Scottish army, to be deeply amerced.—[Baines's Lancashire, vol. i, p. 269-71.]

During these emergencies, the government was naturally solicitous that many increased and thriving towns of England should contribute upon occasions of emergency a larger amount of talliage, or a greater number of soldiers, than they had been aforesometimes accustomed to furnish for the requisitions of warfare, and, as a result of this enactment, to render military obligations less oppressive to landed proprietors, from whom the means of raising and bringing an army into the field had been chiefly exacted. But Manchester had hitherto been too poor to be an object of notice to the king's exchequer. It was of consequence, therefore, that the town should no longer be denied the opportunity of contributing to the exigencies of the state, by the encouraging grant of new immunities and privileges.

Nor was the means overlooked of rendering the personal services of the villein effective. It was enacted, that if any villein remained without a claim for a year and a day in any city or borough whatever surrounded with a wall, he was to be made free for ever. At the expiration of this term, he was required to be sworn to allegiance, and to pay scot and to bear lot;—a civil distinction incompatible with his situation as a villein, which rendered it necessary that he should be previously made free.

A general notion of the municipal advantages conferred upon Manchester by the charter of Thomas Greslet, has at length been accomplished.

The free burgesses of Manchester did not hold from the lord of the manor by succession, but hereditarily; their burgages having been secured to them and their heirs.—There was conferred upon them extraordinary privileges to trade.—They were bound to the law in their own particular district, and there pledged to the performance of all their public functions, as well as to the allegiance which they owed to the king in the duty of keeping and maintaining his peace.—They were the free rateable population of the town, paying scot and bearing lot, that is, bound to contribute to the common scot of the place and to bear the lot, or burden of the public offices required to be performed there.—[See Merewether and Stephens's definitions in their work, p. 286, 576, &c.]

In the following works may be seen copies or translations, or both, of the Manchester charter: Whittaker's *History of Manchester*, 4to, vol. ii, p. 580, et seq.;—Aikin's *Manchester*, 4to, p. 586, et seq.;—*Literary and Philosophical Transactions of Manchester* in Mr. Whetton's *Memoir on the Armorial bearings of the Greslets*;—Baines's *Lancashire*, vol. ii, p. 176;—and, lastly, in the *Manchester Guardian* of the date of 1846, where an able translation has been made by Mr. J. Harland.

Lastly, a brief abstract of the charter, with some few comments upon it, has appeared in the *History of the Boroughs and Municipal Corporations of the United Kingdom, &c.*, by Henry Alworth Merewether, Sergeant-at-Law, and Archibald John Stephens, M.A., F.R.S., Barrister. This learned work has greatly facilitated my labour in the attempt which I shall now make to explain a charter, which, from its importance, forms an epoch in the history of the town.

I shall also occasionally avail myself of "an extent" of the manor of Manchester of 1322, preserved by Kuerden in his MSS. at the Chetham library, and copied in Baines's *Lancashire*.—[Vol. ii, p. 181, et seq.] From this document it would appear, that certain internal regulations for the government of the free borough having been imperfectly described in the charter, became shortly afterwards subject to a revision, so as to render them less confused.

#### THE CHARTER OF MANCHESTER EXPLAINED.

The date of Thomas Greslet's grant to Manchester is 1301, being about four years after Thomas, Earl of Lancaster, eldest son of Prince Edmund, did homage to the king, and had livery of his lands.

The charter, in its various clauses, explains, first, the privileges connected with burghage tenures;—secondly, the regulations for the promotion of commerce;—thirdly, the laws by which the free borough was to be governed;—and, fourthly, the obligation of the burgesses to scot and lot.

First,—Among the privileges incidental to burghage tenures, was the facility given to their transfer by sale, gift, or will. This was a signal freedom from the fetters of feudalism. For every burghage, twelve pence a year was to be paid to the lord for all service.—A burgess might sell his burghage; and, upon giving four pence to the lord, might depart from the town and be free to go wheresoever he wished [that is, without incurring the penalty of a want of residence].—If a burgess had no heir, he might bequeath his burghage and chattels to whosoever he pleased, saving nevertheless the lord's service.—This service was explained in the following clause: if a burgess die, let his heir give no other relief to the lord except of some kind of arms.—Any one might sell of his inheritance, whether more or less, or even the whole, by consent of his heir; and if perchance his heir should be unwilling, yet, if necessity should fall out, it would be lawful for him to sell of his inheritance, whatever was the age of the heir.—It was also allowed to any one to sell or give his land which might not be his from inheritance to whosoever he wished, unless his heir was desirous to buy it, but, in this case, the heir must be very near of kin in order to buy the same.—If necessity fell out that any one sold his burghage, he might receive from his neighbour another burghage, and any burgess might let [traders] his burghage to his neighbours, provided it was done in the view of his fellow-burgesses. [By this law a humane provision was made for the necessities of the houseless.]—When any burgess died, his wife might remain in the house and there have necessities so long as she should choose to live without a husband, and the

heir along with her; and when she married, she was then to depart, while the heir might abide as master.

Over the moveable property, or chattels of a burgess, the lord did not exercise any power whatever. It was lawful for the burgesses to freely deliver up [traders] their own chattels to whosoever they wished, within the fee of the lord, and without any license of the lord.

Yet, in the acquisition of burghages, some manorial privileges or customs were still preserved. For instance, while every burgess was forbidden to nourish hogs in the forests, or parks of the lord, he might bring such as were of his own rearing within the lord's wood until the time of pannage, when without the lord's license they might be removed, but if they were detained beyond the time of pannage, the party was to make suitable satisfaction to the lord.—The burgesses were also under the obligation to do suit at the lord's mill and his common oven, paying to each the usual customs.

Secondly,—The charter encouraged the commerce of the new free borough.

But before explaining the regulations for trading, it may be observed, that the site selected in Manchester for the market sted [Dutch, *stede*; Dan., *sted*], was an open site of ground, or space [which the word "sted" signifies], to the north of Aca's-field, where an annual fair was held, and to the south of the ancient mill turned by the stream of the dene, or ravine, which encircled the Baron's Hull. The "market sted" was approached from the west by Saint Mary's-gate, and from the east by a lane, which, until very lately, bore the name of Market-sted-lane.

Upon the site of the mart, or market sted, there existed two descriptions of stalls, or standings. Of these, the first kind was reserved for the burgesses, where, as we may suppose, was vended such necessary articles of food and apparel, as husbandmen, artificers, or thrifty housewives were in the habit of bringing to the market;—while the second kind of stalls was reserved for strangers, that is, for those who were not commorant within the lord's fee, including merchants from a distance, who, in the course of their perambulating visits to the different fairs and markets of the kingdom, might bring with them rare or costly articles of foreign luxury.

The charter of Thomas Greslet favoured the lord's tenants by declaring, that if any man bought or sold to any one within the fee of the lord, he was to be free of the toll. But if he sought to occupy a stall, it was evident, in this case, that he might deal with customers who were strangers to the lord's fee, from whom a toll was exigible. For this reason, the reeve, on delivering to any burgess and ceaspayer [censarius] his standing in the market sted, required from him one penny for the use of the lord.

From the stranger, whose attendance at the market sted of Manchester could only be occasional, or periodical, a greater toll was levied than from the burgess. This is evident from a law of the charter which enacted, that if a burgess was desirous to occupy a stranger's stall (for the object, no doubt, of competing with the distant, or foreign trader), he should pay as much as the stranger himself. And, in order to obviate evasions of the toll, it was ordered, that if any one from another shire [schiria, i. e. any division or district], who ought to pay custom, went away and evaded the demand, he was to be fined, in addition to the toll, twelve shillings to the use of the lord.

Lastly, in order to prevent any goods feloniously procured from being sold in secret, it was commanded, that no man should receive anything within the town except in view of the reeve. A similar law prevailed in most other

privileged boroughs: "No man could buy or sell in the borough, or vill, without witnesses." And in a charter of the south of England, "if any man of Kent bought anything in London, he was to have two or three ceorls to witness, or the king's reeve of the wic."

Thirdly,—The charter of Thomas Greslet explained the municipal laws by which the free borough was to be governed.

Of the privileges now conceded, the greatest was that by which the jurisdiction of the town was in lesser causes removed from the court baron, and from the sheriff's tourn. For this purpose it was stated, that the burgesses ought, and might elect a prefect, or reeve, of themselves, whomsoever they listed, and might remove the same.

There was also created, coincident with the popular election of a reeve [or boroughreeve], a new court of judicature, restricted to cases occurring within the free borough, named the portemanmote, or mote of the portemen of Manchester.

But this important concession, by which the burgesses were to a certain extent intended to be self-governed, was not granted without due caution that nothing should be done to the prejudice of the baronial interest. Some little check, or surveillance, over the reeve was provided for: "All pleas," said the charter, "should be determined before the seneschal, or steward, by the enrolment of the lord's clerk."

At the same time, new regulations were passed appertaining to the previously existing laghmote of the town, as well as for determining more accurately the functions and competency of "the lord's court," or "Court of Manchester," as it was also named.

It has been explained, that there previously existed a court confined to the determination of the law pleas of the borough of Manchester, which, it would now seem, bore the name of the laghmote. No doubt it was erected for the purpose of expediting justice, or for the trial of less weighty causes, and was held during the intervals in which the lord's court, convened at stated intervals, was not sitting. The reeve presiding over this court would be chosen by the lord, and not by the burgesses.

The obligation under which the burgess of Manchester was held to the laghmote is shown by a clause in the charter, in which it is said, that "if any one shall have been impleaded before the day of the laghmote and then shall appear, it is proper that he answer the same, and that he ought not to essoin [excuse] himself without amercement, and, if it be the first time that he be impleaded, let him have the first day."

Unfortunately, however, for the newly-created jurisdiction of the portemanmote, neither the obligation to this court, nor to that of the laghmote, were sufficiently distinguished from each other. For instance, it was laid down in the charter, that "if the reeve summon a burgess regarding any plaint, and, if, when thus summoned, he come not to the day nor any one for him within the laghmote, he should be in forfeiture to the lord of twelve pence, and the lord might have a plea upon him in the portemanmote."

It was, no doubt, owing to the ambiguity with which the relative powers of the older and newer courts were adverted to, that a further explanation was afforded in the survey of the manor of Manchester which supervened to the charter given by Thomas Greslet. It is here most explicitly stated, that the laghmote was to be regarded as subsidiary only to the newer tribunal: "A portmote of the borough of Manchester," says this interesting docu-

ment, "is held there four times a-year, at which every burgess, his eldest son, or his wife, must attend without essoin to the summons of the borough. And, if necessary, a laghmote can be held between every portmote, for the purpose of a more speedy dispensation of justice to plaintiffs and others seeking redress. And a burgess ought not to plead elsewhere for a contract made within the lordship, nor be impleaded elsewhere, except only in case of felony, where he shall plead, and being accused, shall be impleaded by the appellant in the court of the lord."

From the last quoted clause it would appear, that notwithstanding the newer creation of a portemanmote in addition to the laghmote, previously existing, the lord's court, or court baron of Manchester, continued open to the burgesses, the distinct functions of which were to take cognizance of trespasses wherein the peace of the lord and of his bailiffs were broken, as in cases of assault, or of felony. If any one, says the charter, shall have been impleaded in the borough of any complaint, he shall answer neither to a burgess, nor to a villein, except in his portemanmote, nor even to a vavasour, except in a plea which might belong to the king's crown, and regarding larceny. And again, in the record a little posterior to the date of the charter, to which I have alluded, every burgess is duly warned, that in case of felony, the jurisdiction is in the lord's court, where, being accused, he shall be impleaded by the appellant.—[From Kuerden's Manorial Records apud Baines, vol. ii, p. 185.]

Having, at length, enumerated the three courts to which reference was made in the charter of Thomas Greslet, we may now confine ourselves to the portemanmote and its subsidiary court, the laghmote.

Certain provisions were framed to regulate the attendance at these courts. The refusal to obey the reeve's summons to the laghmote incurred a forfeiture to the lord of twelve pence, who in this case might have his plaint against him in the portemanmote.—If any one, upon being impleaded, followed the same three court days during which his adversary made default [or was absent], he would be exonerated, upon the evidence of the reeve or his neighbours of the portemanmote, from ever afterwards giving a response to that plea.—If a burgess, after having been sued by another burgess, acknowledged the debt which he owed, the reeve might assign him a day, to wit, the eighth, in failure of which he would have to pay not only the debt, but twelve pence to the lord and to the reeve eight pence.—Should any one have been impleaded before the day of the laghmote and should then come, he would have to answer and not essoin [excuse] himself without forfeiture, and if at that time he should have been the first impleaded, he would have the first day.

Again, in making a claim, there was required, agreeably to the ancient Saxon laws, pledges from the person against whom the claim was made, in failure of which it was inferred that the pursuant was not in decenna, and, of course, was not law-worthy. Hence the provision, that if any one upon making claim to anything, had not found [or obtained] sureties or pledges, and had been afterwards disposed to give up his claim [not having been able to comply with the conditions of the court], he should be without forfeiture.

Also, if any one wounded another in the borough, the reeve was to attach him, if found without his house, by a security and pledges [per vadium et plegios].

The charter next explains the description of persons who were liable to the jurisdiction of the portemanmote and the subsidiary laghmote.

Independently of the authority given to the reeve to summon any burgess on any plaint, and of one burgess to sue another, it is added, that every one ought, and might be at plea for his wife and family. Of this law it has been remarked, by Merewether and Stephens, that it was in strict uniformity with the doctrine of the manupast, as laid down by Bracton, Britton, and Fleta.—[See also page 32 of this work, where an explanation of the ancient law of the manupast is attempted.]

The same clause of Thomas Greslet's charter, which makes a burgess responsible for his wife and family, empowers the wife, if perchance the husband should be elsewhere [that is, absent from home], to follow a plea for her husband, and permits her to give up his farm [firmam suam reddere] to the reeve. By the term "firma," from the A. S. feorm, is implied, in its more enlarged sense, any goods or substance whatever, yielding food, support, or money.—[See Bosworth, in voce feorm.] Accordingly, the "firma," or farm of the absent husband, is rendered available to the reeve for the risque, and costs, of following up the plea undertaken by the wife.

Another clause of the charter lays down how far knights, priests, and clerks, if found within the borough of Manchester, were amenable to its jurisdiction. The necessity of a regulation of this kind may be explained by the circumstance, that knights were accustomed to evade the jurisdiction of inferior courts, in which light the portemanmote of Manchester was regarded, upon the plea that they were of the manupast of some baron, or inferior lord, who could not be cited by any subordinate tribunal. Hence the frequency of inquiry at courts leet, and even at the sheriff's tourn,—"If there were any knights, clerks, and others? and, if not in decenna, of whose manupast they were?"—With regard to the evasion of priests, or clerks, if they were not enabled to excuse themselves from the debts which they might incur, on the plea that they were of the manupast of some bishop, abbot, or lay lord, they would strive to shelter their liability under the cover of the indistinct limits assigned to ecclesiastical and civil jurisdiction. Against these various pleas, therefore, a clause in Thomas Greslet's charter peremptorily allows the burgesses of Manchester "to arrest all men for their debts, whether knights, or priests, or clerks, if found within the borough."

In the next place, the charter points out the way in which villeins, who were pledged, or in decenna, could be rendered amenable to justice by the law of manupast.

The charter, in the spirit of the times, pronounces that the villein is not to be regarded as law-worthy, yet it points out devices wherein he may be indirectly a suitor, or be sued. For instance, if any villein should accuse the burgesses of anything, they ought not to respond, unless the charge should be at the suit of burgesses, or other law-worthy men [legales homines]. That is, the villein could obtain no redress except through the medium of some burgess, or other law-worthy man, a resiant, of whose manupast he might be.—Another clause of the charter (hitherto much misunderstood) directs the burgess how to act in the prosecution of a villein, as, for instance, in lending to him money [denarios]. Owing to the villein not being admissible in decenna, he could not be pledged, and, of course, could not be directly sued. In this case, the responsibility for the debt would attach itself to the resiant of whose manupast the villein was, for whose forthcoming, the pledges [or "borowes"] with whom the resiant was linked in decenna, became responsible. "Borowes" [plegii] having thus been found, the charter accordingly declares, that if a burgess should lend anything to a man who was a

villein in the borough, and if the time of payment should have transpired, the burgess might take a gage [namium, A. S. name, a seizing of goods, or distress] of the villein, and by his gage [or hypothec] might certify him [the villein, that is, take out a writ against him], and he might restore the gage, through pledges [per plegios], even to the term of eight days, and that then the pledges [or "borowes"] might give back either the gage or the money [et tunc reddant plegii sive namium, sive denarios].

The foregoing clauses shew, that at the time when the charter was granted, the system of villeinage, although evidently declining, had still considerable influence in all the social relations of the community of Manchester.

Regarding the practice of the borough courts, we have little light. Nothing, for instance, may be gathered of the state of compurgation, or evidence, except what is revealed to us in the following clause:—If any one shall lend anything to another without testimony, the alleged borrower is exonerated from answering to the claim, and he may deny it by the oath of two men. The force of this justificatory appeal to the solemnity of an oath was also enhanced by the regulation, that "no man should require his neighbour to take an oath, unless he had a suit belonging to some claim."

An occasional light only is thrown in the charter upon the causes falling under the jurisdiction of the portemanmote, or of the subsidiary laghmote; and of the penalties to which offences were liable.

Emendations of the assize are stated to have been within the peculiar province of the portemanmote and laghmote, as the charter states, that whoever broke the assize either of bread, or ale, was to forfeit twelve pence for the use of the lord. It has been remarked, by Merewether and Stephens, upon this particular statute, that it afforded a proof of Manchester being at this time separated from the county, otherwise this infraction of the assize would have been inquired into by the sheriff in his tourn.—[See remarks on the Charter of Manchester in the History of Boroughs, &c.]

And, no doubt, the same courts, the portemanmote and laghmote, took cognizance of infractions of the custom to the lord's mill and oven;—for it is said, "the burgesses, as they ought and were wont to do, shall follow and pay their custom to the lord's millne and common oven."

Frauds came under the cognizance of these courts, as is evident from a very remarkable regulation, which makes a wide difference between an assault committed on the Lord's day, and one that occurs on any other day. It would also appear that, at this time, the church required, along with the first day of the week, a portion of the preceding Saturday as belonging to the festival of the first day of the week. The charter states, that if any burgess in the borough should have wounded another burgess upon the Lord's day, or from noon on the day of the Sabbath [Saturday] to Monday, he should be in the forfeiture of twenty shillings. And if on the Monday, or on any other days of the week, he should have wounded any one, he was to incur the forfeiture of twelve pence to the lord.

It would seem, however, that the reeve took little or no notice of frays, except they occurred outside the house of a burgess, when there would be a public breach of the peace. In this case the offender was to be attached, and there was to be demanded security and pledges [vadium et plegios]. And even in the event of a fray thus occurring, provided it was bloodless, the greatest encouragement was given to the offending party returning home as promptly as possible,—no doubt with the view of obviating as much as possible the gathering of a crowd, and the possibility of

a public disturbance, as well as of affording the combatants an opportunity of reconciliation through the intervention of mutual friends. It is stated, that if in any strife, through anger, one burgess should strike another without effusion of blood, and if the assailant should be able to return home without the accusation [or charge] of the reeve or of his servants [that is, without their being personally present, or called in, to quell the fray], he was, at least, to be free from the suit or prosecution of the reeve. And, in the mean time, if the party sustaining the outrage [guerram] should be able to bear with the same,—"well be it!" as the clause of the charter adds. Otherwise, by the council of friends he might make peace with his opponent, and this without forfeiture to the reeve.

Such were the crimes stated to fall under the cognizance of the portemammote and laghmote. In the case of theft, or larceny, or in a plea which belonged to the king's crown, it has been explained, that the reeve might attach a burgess to answer in the lord's court, and there to abide the judgment.

Fourthly,—But I now proceed to explain that part of the charter which appertains to the obligation of burgesses to bear their share of scot and lot, and to contribute to the talliages of the king.

At the time when Thomas Greslet gave the charter to Manchester, the whole kingdom was preparing to rise in arms to defend the northern counties of England from the descents of the Scots. In each privileged borough of the kingdom, provision was made for relays of twelve men to watch continually all night; which duty, in every other town, was to be done by four to six men;—all strangers to be arrested, and the hue and cry directed.

Owing to these requisitions, one great object of Thomas Greslet's charter had evidently been to comply with the requisitions of the sovereign, in aid of the very expensive wars then carried on, by making Manchester "geldable,"—a term used to denote the liability to contribute to the public funds.

For instance, as the last clause of the charter explains, Thomas Greslet secures to the burgesses of Manchester and their heirs, for ever, all the privileges recounted, saving to him and his heirs a reasonable talliage, whenever the lord the king should make talliages among his free burgesses in England.

The charter concludes after the following manner:—And that this gift and concession may be ratified and established, I have confirmed this writing by the apposition of my seal. These witnesses [being present], the lords John Byron, Richard Byron, knights; Henry de Trafford, Richard de Hulton, Adam de Prestwyche, Roger de Pylkington, Galfred de Chaterton, Richard de Moston, John de Prestwyche, and others. Given at Manchester on the fourteenth day of May, in the year of the Lord 1301, and in the twenty-ninth year of the reign of Edward, son of Henry, the king.

It does not appear that, after the charter was granted, the new free borough was represented in parliament. A little before the time when the Manchester charter was granted, parliamentary writs had been issued, and one hundred and twenty cities, or more, had been summoned to send members to parliament. As no municipal corporation then existed, the burgesses who first sat in parliament (as Messrs. Merewether and Stephens have shewn) were not corporators, but inhabitant householders, presented, pledged, and sworn. The sheriff was required to send

two knights for each shire, two citizens for each city, and two burgesses from each borough within his bailiwick. Yet it does not appear that the new free borough of Manchester partook of this advantage.

As a seal is spoken of so early as the year 1223 as belonging to the town of Newcastle, we may suppose that Manchester, like other towns, then received a common seal, to be kept in a common chest with a certain number of keys, and to remain in the custody of the most discreet men. The arms of Manchester have been described as gules, three bendlets enhanced Or.

#### § 12. GALFRIDUS DE STOKE.—WAS HE RECTOR AND DEAN RURAL?

Hollinworth states, that, anno 1301, Galfridus de Stoke succeeded Otto de Grandison, at the presentation of Thomas Grelle. According to Whitaker, Galfridus de Stoke subscribed himself, a few years later than this date, as a witness, "nunc decanus de Manchester."

This institution, however, does not seem to have been confirmed by the Lichfield calendar of presentations, among which the name of Galfridus de Stoke is not to be found. Neither are we informed of the resignation of Otto de Grandison, who, two years previously, had been presented to the rectory of Manchester, by the patronage of the king, and not by that of Thomas Greslet.—[See page 69.] This discrepancy it is not easy to reconcile, except on the fact, that the right of patronage was not unusually invaded by the king, as well as the pope.

That a priest of the name of Galfridus de Manchester existed about this time, can be shewn by existing documents. But he rather appears in the light of a dean, than of a rector of Manchester. Yet, as we are scarcely warranted to contend against the testimony of Hollinworth, we must conclude that the offices of dean rural and rector were united in the same individual.

It may be now observed, that, among the copies of old deeds collected by the late Mr. Thomas Barrett, and preserved in the Chetham library, is a document to which is attached the seal of the chaplain of Galfridus, dean of Manchester, apparently the sub-dean of Galfridus de Stoke. The transcript from the original is not, I fear, perfectly accurate.

Sciant presentes et futuri quod ego Galfridus de Mancestre cappellanus dedi et hac presenti carta mea confirmavi Reginaldo le Flecher de Mamecestre unum messuagium ac pertinencias in villa de Mamecestre in le Denesgate jacentes immediate inter burgum [et] Lunclin de Mholwor videlicet illud messuagium quod Henricus le Molor quondam tenuit habendum et tenendum de me et heredibus meis predicto Reginaldo heredibus que suis vel suis assignatis vel cuicumque et quodocumque dare legare vendere vel assignare voluerit domo religionis excepta libere quiete bene in pace in feodo et hereditate reddendo

inde annuitatem mihi et heredibus meis unius denarii scilicet ad natale domini pro omnibus serviciis [et] consuetudinibus exactore seculari demandendis. In cujus rei testimonium huic presenti sigillum meum apposui. Hiis testibus Johanne Gredlay Galfrido de Bracebrugge Roberto de Stuston senescalo de Mamecestr Ricardo filio Ranulphi Roberto filio Symonis predicti Burgi de Mamecestr et Johanne clerico cum aliis.



The above document may, perhaps, require a little comment. The chaplain of Galfridus of Manchester grants and confirms to Reginald the Flecher, a messuage in the Denesgate, lying immediately between the "burgage and adjacent lake [or pool] of the miller," which Henry the miller formerly possessed, with power to bequeath, sell, or assign, on the condition of paying to him and his heirs an annual rent of one penny at Christmas, in lieu of all services, customs, &c.

There is, however, in this grant, a special exception made to the alienation of the property to any religious house, which was, no doubt, suggested by the great favour in which monasteries, and particularly the Cluniac monks of the neighbouring cell of Kersall, were held. Against such alienations some fresh stringent laws had been made by an act of the 7th of Edward the First, in which it was declared, that "all alienations of land in mortmain, whether by sale or gift, by whatever means, or under whatever pretext, were forbidden, on pain of forfeiture to the immediate lord of the fee; or, in his default, for twelve months to the lord paramount; or, in default of the lord paramount, for other six months to the crown."—And again, in another act of the 13th of Edward the First, to prevent collusion it was provided, that "in all cases wherein the clergy or religious should set up a title to any land, and judgment should be suffered to go by default, a jury should be empanelled to try the validity of the title; and if fraud should be discovered, the land should be forfeited, as under the preceding statute."—[Tierney's edition of Dodd's Church History, vol. i, p. 328.]

Lastly, some few remarks may be made on the curious seal affixed to the deed, exhibiting the head of a clerk in orders, with the inscription round it of

"Capellanus Galfredi de Manchester:—it ought, perhaps, to have been copied "Mamecestr."

At this time, owing to the want of public notaries in England, the privilege was first confirmed to deans rural of using seals. These seals were either adapted for temporary, or for permanent purposes. It is supposed, that when the office was temporary, deans were not allowed to have their own names inscribed on the seal, but simply the name of their office [Horæ Dec. Rur., vol. i, p. 149 and 387]; and that when, along with the engraving of the office upon a seal, there was that of the name—as was the case in Manchester during the fifteenth century—the office was for life. During the thirteenth century, however, no seal whatever of the dean of Manchester has yet been found by which we have been enabled to judge whether the office was temporary, or otherwise. The seal of the chaplain of Galfridus de Manchester, probably of Galfridus de Stoke, decanus, imparts no decisive information on the question which has been raised. Yet if the chaplain was actually a sub-dean, as may be suspected, the seal, now figured, would certainly indicate that the functions of the dean himself were enjoyed during life.

#### § 13. NICHOLAS DE ARDERNA APPOINTED RECTOR OF ASHTON.

By the kindness of Dr. Ormerod, I have been favoured with a list of the successive rectors of Ashton, under the following title: "Patronage of Ashton Rectory, as exercised by the Inau<sup>l</sup> Lords of Manchester." They are given on the authority of Vernon's Extracts from the Episcopal Registers of Lichfield: Harleian MSS., 2075. From this list, I now extract the following record:—

|                      |                           |                   |
|----------------------|---------------------------|-------------------|
| Ashton subter lynnam | Rector                    | Patron            |
| Time of Presentation |                           |                   |
| 1303. 15. Cal. Ap.   | Nicholas de Arderna Cler. | Thomas de Grelle. |

The church of Ashton was then valued at forty marks annually.

It is to be remarked, that, in this and other instances, the patronage of the church of Ashton was exercised by Thomas Greslet, at the time when the manor of Ashton was held directly from the lord of Manchester by the subinfeftment of one of the Ashton family, and by the more immediate fealty of a Kirkeby, whom we may consider as a mesne lord of the manor of Ashton. This separation of an advowson, or presentation, from the estate to which the advowson or presentation was annexed, prevailed, according to Bishop Burnet, in no other nation, or church, save our own. It has been remarked by Mr. Dansey [Horæ Dec. Rur., vol. i, p. 80], in citing Johnson's ancient and present church of England, and Kennett on impropriations, "that in Spain, and some other countries, no patron



could alienate an advowson, but by selling the manor to which it belonged; and that by our law, if the lord of a manor should grant to another person his manor, cum pertinentiis, the advowson or patronage of any church or churches, appendant to that manor, would pass to the purchaser, or other grantee, even though there should be no express mention of the advowson; nay, though the words cum pertinentiis should have been admitted." Yet, in the case of Ashton, we find, that the advowson or patronage of the church was actually separated from the manor itself.

§ 14. THE CLUNIAN CELL OF KERSALL BECOMES SUBJECT TO THE ACT "DE ASPORTATIS RELIGIOSORUM."

We are now called upon to advert to the altered position of the Clunian cell of Kersall, founded by Ranulf Gernons, the fourth Earl of Chester, in the twelfth century.

It is computed that at the close of the reign of Edward the First, no fewer than forty-two Clunian establishments, exclusive of three cells, existed in England, the greater part of which had their origin prior to the reign of King Henry the Second;—Sleveholm, in the county of Norfolk, having been the last founded, the date of which was 1222.

These religious establishments were subject to the chief foreign houses of Clugni, namely, "La Charite sur Loire," and "Saint Martin des Champs," at Paris, who had claimed the visitation of all Clunian monasteries founded in England and other countries, and who even refused to the convents under their control the election of their own priors. Neither could the profession of novices be received in England, nor any differences whatever be determined without an appeal to the superiors beyond the sea. As a consequence, all the monasteries of this order in England were governed by foreigners, who not unfrequently placed in them more French than English monks.

The houses abroad likewise claimed pensions from the establishments of their order in England, called "apportus," which amounted to a large sum. The abbot of Clugni, for instance, who had a lion's share, had a pension from England of two thousand pounds per annum. The prior of the oldest of the Clunian houses of England, which was situated at Lewes, was at first created high chamberlain to the abbot of Clugni, and afterwards became his vicar-general in England, Ireland, and Scotland. Under this surveillance, so great was the drain of money, that some of the houses were considerably in debt to foreigners.—[See the last ed. of Dugdale's Monasticon.]

Such was the condition at this time of the Clunian cell of Kersall, near Manchester.

But the abuses narrated were far from being confined to Clunian establishments. The abbots and priors of the Cisterciens and Premonstratens, as well as of the rules of Saint Augustine and Saint Benedict, and of many more of the religious orders, had set divers heavy talliages and payments on the monasteries and houses in subjection to them in England, Ireland, and Wales, without the privity of the king and his nobility, whence it happened, that the objects which had given rise to monastic foundations, such as almsgiving, hospitality, or the celebration of masses for the souls of the dead, were defeated. Accordingly, by an act "De Asportatis Religiosorum," passed in the 35th of Edward the First (A.D. 1306-7), every abbot, warden, or prior, under the king's jurisdiction, was forbidden to send any tax out of the kingdom imposed by the abbots, priors, or wardens of religious houses, their superiors, under the name of rent, talliage, &c., and, under no colour of visitation, were the goods of their monasteries and houses to be carried out of the kingdom.—[Tierney's ed. of Dodd's Church History, vol. i, p. 330-1.]

§ 15. THE CIVIL AND ECCLESIASTICAL STATE OF LANCASHIRE, AND OTHER COUNTIES, AT THE CLOSE OF THE REIGN OF EDWARD THE FIRST.

As we have now approached the close of Edward the First's reign, it will be necessary to take a glimpse of the very altered state of civil and ecclesiastical affairs.

No event in the history of this period created such a revolution in the feudal institutions of this country, as the demand for aid to carry on the Scottish campaigns, for the support of which great sacrifices were made in the existing institutions of both church and state. This change was to be particularly traced in Lancashire, owing to its having been menaced by Scottish invasions.

In the 31st of Edward the First (1302), seven hundred men were required to be sent from Lancashire, and all prelates, women, and others, willing to pay twenty pounds for each knight's fee, were either to be fined or provide substitutes with horse and arms for Berwick. Three years afterwards, Edward the First, in marching to the north, fixed his head quarters at Preston, and, in the same year, two writs were sent to the sheriff of Lancaster ordering fresh requisitions of men to meet at Carlisle, and cautioning all Lancashire knights, upon pain of arrest and confiscation, from engaging in jousts and tournaments until the Scottish war was terminated. The distinction of

knighthood was also rendered imperative upon every Lancashire freeholder properly qualified. The king then marched from Preston to Scotland, when the overthrow of Robert Bruce was the result. A thousand men were forthwith ordered to be raised in Lancashire to pursue Bruce in his flight.—[Baines's Lancashire, vol. i, p. 264 and 271-3.]

These were severe requisitions inflicted upon Lancashire, in which other northern counties, owing to their proximity to Scotland, no less partook. During the commotion which was excited in Manchester, it was directed (as is shewn in a later manorial document, preserved by Kuerden) that the lord should have arms for the use of each burgess while he lived, and, in order that no alienation of them might ensue, it was enjoined, that when a burgess died, he should give no other relief except arms of some kind.

But, in quitting the consideration of civil affairs, we now approach a new era in our local annals, which dates from the time (1301) when the papal dominion was still more decidedly upon the wane. Boniface the Eighth, who had favoured the Scots in demanding of Edward if he had any pretensions of sovereignty over Scotland, added, that the question ought forthwith to be submitted to the Roman see, without the necessity of spilling any more blood. Edward indignantly replied, that in matters purely civil, the kings of England never were, and never would be, subject to any power upon earth, spiritual or temporal.

Another cause of Edward's indignation, was the refusal of the clergy to submit to a taxation for the support of the wars without leave of the pope. Subsequently, a petition from the lords and commons was presented to the king at Carlisle, which, among other complaints, adverted to the papal provisions to vacant benefices,—to the revenues of religious houses being claimed for the maintenance of cardinals,—to the first fruits of all vacant benefices being seized,—to the grant of Peter pence, hitherto fixed at a certain sum, being enlarged,—to the goods of persons dying intestate, and of others whose wills bequeathed property for general purposes of charity, being taken and appropriated,—and, lastly, to the employment of various dishonest expedients for the gratification of the wants of the pontiff, for enriching his dependants, or for humouring the cupidity of his procurators.

With the consent of Edward, an unanimous resolution was then entered upon the rolls, that the existence of such grievances, oppressions, and

exactions, should no longer be tolerated in the realm. Writs were also addressed to the sheriffs of the different counties, ordering all persons employed by Testa, the pope's agent, as collectors, to retain in their hands, for the king's disposal, the monies thus levied.—[Tierney's ed. of Dodd's Church History, vol. i, p. 142 and 335.]

#### § 16. THE INTRODUCTION OF THE FAMILY OF LA WARRE TO THE BARONY OF MANCHESTER.

We now draw near to the close of the annals of the last of the Greslets, who being wearied of active life, without issue, and, doubtless, feeble in health, was preparing to transfer the manor of Manchester to his only heir, a sister.

Thomas Greslet, the eighth and last baron of that name, being unmarried, had a sister, Johanna, wedded to John la Warre, baron of Wickwar, in the county of Gloucester. Owing, probably, to some illness, the baron of Manchester was induced to retire from the town which he had made his chief residence, to Wickwar, the original seat of the Ware family,—there, in the society of his sister, and heir, Joan, and his brother-in-law, to end his remaining term of life. In undertaking this expedition, he was attended by at least four Lancashire gentlemen, namely, Henry de Trafford, knight, Richard de Hulton, Adam de Rosendale, and Geoffrey de Chaderton. In summoning these friends, therefore, to his presence, in company with several Gloucestershire gentlemen, he made a formal grant of his manor of Manchester, and the advowsons of the churches of Manchester and Ashton, to John la Warre, knight, and Joan, his wife, subject to an annual payment, during his life, of one hundred marks:—

*Sciunt presentes et futuri quod ego Thomas Grelle filius et heres domini Roberto Grelle militis dedi concessi et hac presenti carta mei confirmavi Domino Johanni la Warre militi et Johanne uxori sue sorori mee et heredibus dicti Domini Johannis manerium de Mamcestre cum pertinenciis cum advocacione ecclesiarum de Mamcestre et Aschtone in comatatu Lancastriensi et quicquid ibidem habui vel alioqui seu jure habere potui ut in homagiis redditionibus feodis militaribus ecclesiis villanagiis et eorum sequalis pratis pasturis molendinis aquis piscariis boecis chasciis moris mariacis libertatibus liberis consuetudinibus reversionibus—quibuscunque et omnibus aliis rebus dicto manerio pertinentibus Habendum et tenendum dictum manerium cum pertinenciis eisdem domino Johanni et Johanne heredibus et assignatis dicti Domini Johannis de capitalibus dominis feodi illius per servicia inde debita et consueta Reddendum michi singulis annis Christi Domini dum vixero de predicto manerio ad festum natalis Domini centum marcas et post decessum meum solutio predicti redditus omnino cesset Ego vero dictus Thomas et heredes mei dictum manerium cum advocacione ecclesiarum predictarum cum omnibus aliis pertinenciis ut predictum est eisdem Domino Johanni et Johanne heredibus et assignatis*

dicti Domini Johannis contra omnes homines warantizabimus acquietabimus et defendemus in perpetuum. Et ut hec mea donatio concessio et presentis carte mee confirmacio perpetuam firmitatem habeant presentem cartam sigillo meo signavi. Hiis testibus Dominis Johanne Wogay Johanne de Wyllintone Johanne de Actone Johanne de Burtone Wilhelmo de Wantone Thoma le Boutillier Johanne Bischof militibus Roberto de Budelescumbe Henrico de Tresham Johanne de Quinde Roberto Senare Johanne Champeney Johanne de Chalkleghe Stephano de Salso Marisco Roberto le Warmer de Comitatu Glocestrie Henrico de Trafford milite Ricardo de Hiltone Adamo de Rosendale Galfrido de Chadertone de comitatu Lancastrie et aliis Data apud Wikewarre in comitatu Glocestrie die lune proximo post festum sancti Gregorii pape anno regni Regis Edwardi filii Regis Edwardi Secundo.

It is curious that the seal appended was not that of the grantor, but of the grantee. It is well figured in Baines's History of Lancashire, from which the foregoing document, communicated by Sir Oswald Mosley, is copied.—[Baines's Lancashire, vol. ii, p. 538.]

The arms of John la Warre were described, during the time when he lived, after the following manner:—"Sire Johan de la Ware, de Goules, crusele de Argent, a un lion rampaund de argent."—[Roll of Arms of Edw. 2<sup>d</sup>. by Nichols, 1828.]

#### § 17. CIVIL STATE OF THE LORDSHIP OF MANCHESTER AT THE CLOSE OF THE BARONIAL SWAY OF THE GRESLETS.

Under this head an important inquiry is involved.—How far the Greslets had performed the social duties of landed possessors in the large and well-peopled territory committed to their care, during a period of two centuries, or more?

This very grave and solemn question admits of no reply, save in the spirit of the Divine principle.—That from him to whom much has been given, much will be required. In directing, therefore, this interrogation to a landed proprietor of the thirteenth century, such, for instance, as the last of the Greslets, it is not easy to conceive of any other mode in which the question could be resolved, than in adverting to the state of advancement manifested by the social mass of tenants, whether comprising the more humble cultivators of the soil, or the trading burgesses of Manchester, during their progress towards civilization,—during their gradual emergence from the oppressions of villeinage to the full enjoyment of such civil advantages, as long continued to be the boast of English freemen.

On the present occasion, the answer to be given is most unfavourable to the interest which the Greslets appear to have taken in keeping pace with the progress of the age in which they lived,

—if we except from this condemnation the slight efforts of Robert Greslet, the fifth baron, to promote, by an annual fair, the nascent commerce of Manchester. A charter to the town was not conceded until the expiration of seventy years after Ranulph de Blundeville, the noble and patriotic Earl of Chester, had enfranchised the town of Salford, nor would it, perhaps, ever have been granted, except for the talliares demanded by the state from all towns growing in population. The Greslets appeared far more intent upon preserving from trespasses the aeries of hawks, the herous and eagles, and the verd and venison, of Horewich Moor. They seem to have had few tastes or propensities beyond those which they had inherited from their rude ancestors, while roaming amidst the uncultivated and desert tracks of German forests, where the toils of the chase were less a recreation to chieftains, than indispensable to the maintenance of savage life. They were perfectly insensible to the duties required from property, in contributing to the advancement of the humble cultivators of the soil, in their gradual transition from a galling state of villeinage to the full enjoyment of the rights of freemen.

Even in the later records of the Greslets, it is perfectly evident, that within the barony of Manchester, villeinage had lost little or no ground; its exchange for the condition of bondage tenure having been limited to the hamlets of Ardwick, Gorton, and Crumpsall. In the last act of the last of the Greslets, by which Thomas Greslet delivered up to his brother-in-law, John la Warre, the manor of Manchester, with the advowson of the churches of Asheton and Manchester, the deed expresses, among other appurtenances recited, "*et quicquid ibi habui*"—"in villanagiis et eorum sequelis." This is a most disgraceful clause, and the more particularly so from its appearance in an age when an unchristian slavery was fast disappearing from the estates of more reflecting and conscientious landed possessors. According to Kennet, in his Parochial Antiquities, the *sequela villanorum* might be defined, "the retinue and appurtenances to the goods and chattels of villeins, which were at the absolute disposal of the lord." It is also explained by this author, that "in former times when any lord sold his villein, it was said '*Dedi B. nativum meum cum tota sequela sua*,'—which included all the villein's offspring."

With this transfer, therefore, of Thomas Greslet's tenants in villeinage, including all their goods, chattels, and offspring, to another race of baronial lords, the third part of the present history draws towards a conclusion.

## CHAPTER IX.

MISCELLANEOUS NOTICES RELATIVE TO THE STATE  
OF THE MANCHESTER CHURCH, UNDER THE  
PATRONAGE OF THE GRESLETS.

Before concluding the third part of this history, I have reserved for the latest description, certain ecclesiastical notices to which no precise date can be fixed, yet illustrative of the state of the church of Manchester during the patronage of the last of the Greslets.

§ 1. THE CHAUNTRY ASCRIBED TO ONE OF THE  
THREE ROBERT GRESLETS, SUCCESSIVE BARONS  
OF MANCHESTER.

In the inquest taken in 1535, previous to the dissolution of the religious houses of England, there is an endowed chauntry mentioned, which is ascribed to the foundation of a Robert Greslet.

But as there were three successive Robert Greslets, barons of Manchester, it is not easily discoverable to which of them the foundation of the chauntry was really due.

One of these Robert Greslets was the second baron of Manchester. He gave to the monks of Swineshead, in Lincolnshire, the mill turned by the stream which contributed to insulate the Baron's Hull. This mill ceased to be productive to the abbey, after a more efficient one had been erected on the banks of the river Irk.

Another Robert Greslet was the fifth baron of Manchester. He gave to Aca, clericus, a piece of land, in consideration of three shillings annually. This land, about six acres and a half, was, no doubt, Aca's-field, upon the site of which the fair of Saint Matthew was held.

There was, again, one more Robert Greslet, who was the seventh baron of Manchester. He made a few religious bequests, chiefly to the abbey of Stanlawe, but no gift to a chauntry in Manchester is recorded of him.

From this recapitulation it is highly probable, that the Robert Greslet to whom the chauntry was attributed, was the fifth baron of that name; and that Aca, the clerk, was one of the earlier incumbents of an ecclesiastical foundation, which somehow, or other, connects itself with the chauntry of the time of the Reformation.

This connexion I shall now attempt to explain.

A church, or chapel, dedicated to Saint Matthew, and erected on the ground long known by the name of Aca's-field, is supposed to have stood on the site in, or near the present modern church of Saint Anne, built at the commencement of the eighteenth century. In support of this opinion, I cited the authority of Whittaker, who has stated,

that in the erection of the church, "vast quantities of bones were dug up, reposed in their cells, and discovered every where as the foundations were carried along, about two feet deep in the ground."

Such an appearance as this gives an unerring evidence of the immediate proximity of an ecclesiastical structure, and, as such, I had little hesitation in connecting it with a church built in honour of Matthew the Evangelist, whose annual feast of dedication would give rise to the chartered fair of the saint. As this fair acquired the name of Aca's fair, we must suppose from this, as well as from other circumstances already explained [see page 38-40], that the profits of the fair were originally enjoyed by Aca, or by his earlier successors, and that, subsequently, the tollage must have been reclaimed by the lord, as the amount of it regularly appears in the manor rolls of Manchester.

Again,—from some cause or other, of which we have no historical record, the church of St. Matthew, otherwise Aca's Church, must have fallen into decay at so early a period, as to have left no traditional memorial of its original site, and no further indication of its existence except what has been detected during the excavations of the eighteenth century.

And, in the last place, the lands with which Aca's Church was endowed, would be reserved, as was frequently the case when an ecclesiastical structure became ruinous, for the purpose of founding a chapel, or chauntry, in which masses would be sung for the repose of the souls of the founders, and his posterity.

There is little doubt that such was the origin of the chauntry, which, in the inquest of 1535, is said to have been on the foundation of Robert Greslet [named Gryell]. For the support of this chauntry, a quit rent,—not of three shillings, the sum paid by Aca, but of twenty-seven shillings and sevenpence was paid;—which increase of rent proves, that some further distribution of lands must have taken place for the support of this foundation. At the late period of 1535, the chauntry was in receipt of rents and dues, arising from divers burgages in Manchester, to the amount of £6 0s. 11d., from which the lord's chief of twenty-seven shillings and sevenpence was deducted.

The late Mr. Palmer, in his excellent architectural memoir, given in the second volume of the Foundations of Manchester [see p. 232], supposes that the site of this chauntry, evidently not forming any portion of the collegiate, or parish church of the time of the Reformation, adjoined the present Old Shambles of Manchester, situated between the Market-place and Smithy-door. But

in the remains which he describes, there is less evidence of this assertion, than that the edifice in question formed one of the many sanctuaries with which Manchester abounded, at a period even as early as that of the Greslets.

There is, in short, scarcely any other supposition countenanced by history and actual remains save one,—namely, that Saint Matthew's Church, after it had fallen into decay, was replaced by a chauntry, erected on some site at present unknown.

§ 2. A SECOND CHAUNTRY, OF UNKNOWN DATE, ERECTED AT MANCHESTER.

There is, again, in the inquest of 1545, another chauntry, or chapel, recorded, as not forming any portion of the parochial, or collegiate church, which must have been of a very ancient date, as the founder's name is unknown. The rents of divers lands and burgages, from which it derived support, amounted at that time to fifty shillings, from which was paid to the lord of the manor a chief rent of three shillings and fourpence,—the sum of which more nearly corresponds with the annual chief of three shillings paid by Aca, than that of the last chauntry described. The site of this second chapel is perfectly unknown.

§ 3. THE SANCTUARIES EXISTING IN MANCHESTER.

Cities of refuge, which were sanctioned by Hebrew policy, met with countenance from Alfred, on this plea:—that they were calculated to afford a temporary shelter to an offender who might have slain a man unwittingly, whereby he would be screened from the vengeance of relations, until angry passions had time to cool, and reflection to again assert her sway. In an early period, three days only of the privilege of sanctuary were allowed,—which term was afterwards extended to a week, to nine days, and, eventually, to a much longer time, namely, forty days.

The crimes, also, for which sanctuaries afforded a shelter, began to change their character. During the interval of forty days, even felonies and treasons met with a shelter, provided that offenders, in the meantime, acknowledged their fault, and took an oath to forsake the realm for ever. It was also allowed to all manner of persons to give a fugitive meat and drink,—though not after the expiration of the term, upon pain of being held guilty of felony.

Eventually,—even the term of forty days became prolonged, owing at first, perhaps, to the neglect of magistrates in not seeing that the oath of abjuration to forsake the realm was carried into effect;—the consequence of which was, that the offender, if he chose, might spend a whole lifetime

in a sanctuary, provided that he abjured his liberty and a free habitation,—in which resolve he was powerfully fenced by the privileges of the church. Thus, if any one, in the attempt to apprehend an offender, violated the precincts of a sanctuary, he was, if a layman, excommunicated; and, if a clerk, deemed irregular.

Owing, probably, to some extraordinary privileges of a very ancient date conceded by the church and the state conjointly, which history has not recorded, Manchester, from a very early period, was considered as affording particular conveniences to offenders against the laws, in the number of sanctuaries which the town contained;—these having been specially fitted up for the reception of culprits, to whom, in the quality of pensioners, was furnished, during the interval of forty days, or longer, a welcome bed and board. Certain of the chaplains are thus supposed, by tradition, to have derived no little emolument from the fees paid by culprits,—many of them, doubtless, of a very flagrant stamp. To these resources for accommodating fugitives, others were added. As not only churches, but church-yards also, afforded the privileges of sanctuary, ample space of ground would be afforded to persons seeking the protection of the church in the glebe and cemetery, extending from St. Mary's-gate, or even farther north, to the south of Aca's-field [Saint Ann's-square], where, during the term of their seclusion, they might enjoy, to a certain degree, the means of exercise and recreation.

Each house of entertainment fitted up in Manchester for the reception of offenders against the civil laws, had a chapel and altar attached to it, to which inmates could fly at the shortest notice. A few years ago, during the operation of widening the very narrow street of Manchester, named "the Smithy-door," the internal structure of one of these sanctuary houses was fully disclosed, which has been described by Mr. Palmer, who, however, has omitted to notice the tradition regarding it;—he has merely imagined it to have been the chauntry founded by Robert Greslet, of which Aca was the first incumbent. According to this architect, the edifice, which was situated in the north-west corner of the Black Swan tavern, in Smithy-door, was "constructed with timber and plaster, having a deep recess on the east side, apparently for the reception of an altar, beneath an oriel window, wherein was found the head of the virgin carved in wood." The description is certainly in accordance with the tradition, that the chapel was attached to a house, "of timber and plaster," fitted up for the reception of sanctuary refugees. Mr. Palmer, however, who saw nothing more in the edifice than a chauntry, has availed himself of another tradition, that to this

chapel was added a cemetery, the site of which was the present Old Shambles. Most certainly, the existence of a cemetery might, or might not, have been the case;—but, unluckily, as the author is obliged to admit, not a bone in it was discovered, during the course of a late excavation, which could be identified as human.—[History of the Foundations of Manchester, vol. ii, p. 232.]

A remaining question is;—were the lands granted to Aca, by the fifth baron, ever applied to the support of this particular chapel or chauntry? The affirmative has been the supposition of Mr. Palmer, but I need scarcely add, that there is not a shadow of evidence, positive, or even traditional, to give countenance to such a conjecture.

A second place of sanctuary in Manchester, according to a very old tradition, was in the vicinity of Hyde's-cross. But where it stood, cannot now be pointed out.

A third was, perhaps, in the Old-millgate, the architecture of which was surveyed by Mr. Barrett, in the year 1777, upon the occasion of widening the street. But some arms sculptured on the building rather indicated a foundation of a much later date, than that of the Greslets.

It is needless to remark, that sanctuaries met with no favour from the legislature. A sanctuary was regarded, in the language of the fearless reformer of the fourteenth century, as a privilege which only served to perpetuate nests of thieves. "Wicked men," says Wycliffe, "open thieves, known murderers, and such as have borrowed their neighbour's goods and are able to make restitution, dwell thus in sanctuary, and no man may impeach them by process of law."

#### § 4. THE COMPLAINT PREFERRED BY THE CHURCH OF MANCHESTER AGAINST ITS SUCCESSION OF RECTORS.

The exact words of complaint used a century later, to prove the necessity of obtaining a new ecclesiastical foundation for the church of Manchester, by which it became collegiate, were to the following effect: "*Ecclesia de Mamcestre largam et amplam habens parochiam atque multum populosam temporibus retrocitis per rectores consueverat regi et gubernari, quorum aliqui nunquam, aliqui perraro personaliter residere curarunt in eadem.*"

That the complaint was a just one, is shewn in the later exertions of patronage under the Greslets. Notwithstanding the avidity with which the pope's legate laid his hands upon vacant benefices, in order to render them subservient to papal provisions, a suspicion can scarcely fail to arise, that there must have existed some great indifference

on the part of the Greslets, in not more manfully defending the rights of the church of Manchester, of which they were the true patrons.

But even these explanations fail in conveying to us a correct statement of the causes which led to the privations affecting the church of England from non-resident rectors, nor have they, perhaps, been explained by any writer whatever, with the exception of Strype, the ecclesiastical annalist. The complaints uttered by this honest historian against the English church about the time of the Reformation, apply with double force to the period of Edward the First, antecedent to the protest of a Wycliffe, while exposing the pastoral abuses and neglect of his time. "Many of the prelates and inferior clergy," says Strype, "were continued in secular employments, which the soberer part of the nation much disliked, because by this means their flocks were left without due care of them. Many were occupied in the king's affairs;—some were ambassadors, and some of the privy council, and some furnished the court, and some were presidents (as of Wales), and one was comptroller of the Mint." But the fact was, according to this historian, "that the nobility was placed in such ignorance, that the king was forced to employ the clergy, among whom was the learning and the best abilities."

With regard to William de Marchia, or de la March, whom Thomas Greslet complained of as usurping the church of Manchester during his minority, he was a treasurer of England from 1291 to 1296,—in great favour with Edward the First, and spending most of his time at court, even while he held the rectory of Manchester. It is thus impossible to arrive at any other conclusion but that, owing to the ignorance of the nobility, the learning and talents of William de Marchia had recommended him to one of the highest offices in state, for which he was paid by the enjoyment of a plurality of benefices in the church.

The remaining portion of William de Marchia's history is as follows:—In 1292, upon the death of Robert Burnell, he was made bishop of Bath and Wells, when, by an addition of royal favour, he obtained a grant of two fairs for the lordship of Bath. He died June 11th, 1302, and was interred in the south transept of the cathedral of Wells.

William de Langton, the successor of William de Marchia in the rectory of Manchester, which he is suspected to have originally owed to a provision of the holy see, was in no less esteem with Edward the First, and, as a consequence, would be rarely absent from court. The rectory of Manchester would, therefore, still continue without the presence of a head, and neglected. This

benefice he gave up on being elected bishop of Coventry and Lichfield. Along with this see, William de Langton held the office of lord treasurer. He is lauded as a munificent benefactor of the cathedral and city of Lichfield.

At the time when William de Langton was bishop of Lichfield, the king's sentiments became known regarding the independence of England, and the necessity of resisting papal usurpation. In this resistance he appears to have been supported by William de Langton, who, in the course of his episcopal functions, took measures with his diocese for the more cautious distribution of the benefices of the church. For instance, the presentations to the rectory of Manchester began from this time to be regularly entered in the archives of the cathedral, along with the name of the patron and the cause of the presentation, whether by the resignation or death of the former incumbent, or otherwise.

In 1299, we find Otto de Grandison appointed rector of Manchester. Of this priest, we know little, but it is to be feared that he was not a resident in Manchester. Subsequently, he quitted the church, served in the wars, and afterwards married, leaving issue, Thomas, who succeeded to the barony of Grandison.

Regarding Walter de Langton, the former rector of Manchester, and subsequently bishop of Lichfield and Coventry, it may be of interest to continue his history. Upon the occasion of the death of Edward the First, in the thirty-fifth year of his reign, he was made the king's chief executor, but having, during the reign of his late master, punished the heir apparent for depredations committed on the bishopric, by counsel of Piers of Gavast, a squire of Gascony, Walter de Langton fell under the royal displeasure, and, in the first year of the reign of Edward the Second, was arrested, sent to the tower, and deprived of all his temporalities.

Of other rectors of Manchester, the name of Albert de Nevill, who lived in the reign of John, is the only one on record. He appears to have been employed, in the county of Rutland, in adjusting a secular dispute for Robert Greslet.—[Rot. Cur. Reg., vol. ii, p. 184.]

#### § 5. DEMISE OF THOMAS GRESLET.

Although in the year 1307 Thomas Greslet had made over his barony of Manchester to his sister and brother-in-law John la Warre, he was summoned to parliament and the wars from 1307 to 1313.

Thomas, the eighth and last baron of Manches-

ter of the family of the Greslets, died in the seventh year of Edward the Second (A.D. 1313), in his thirty-fifth year. The place where he ended his days is perfectly unknown;—possibly at the abbey of Dore, in Herefordshire, of which more hereafter.

### Part Fourth.

#### ECCLIESIASTICAL HISTORY OF MANCHESTER DURING THE BARONIAL SWAY OF THE FAMILY OF LA WARRE.

As the descendants of John la Warre, by his marriage with a sister of the last of the Greslets, were destined to be the future lords of the barony of Manchester, the introduction of this family into our local history will be prefaced by a brief summary of their genealogical history, down to the time when John la Warre married Joan, sister of Thomas Greslet, baron of Manchester.

Although the family of La Warre is said to have dated from the Conquest, little is known regarding it until the year 1204, when King John rectified a grant made by him, when Earl of Gloucester, upon John la Warre of the lordship of Bristol, and, in the eighth of the same reign (1206-7), the manor of Wickwar, in Gloucestershire, deriving its name from the same grantee, was, under similar circumstances, conferred upon this baron. John la Warre is supposed to have died about the year 1212 or 1213, leaving behind him a son and heir, Jordan de la Warre.

Jordan de la Warre paid two hundred marks for livery of his lands. In the 17th of John (1215-6), having made common cause with the barons against their monarch, he gave to the king two palfreys for his fine, along with pledges for his future fidelity. In 1265, he engaged in the extensive conspiracy fomented by Simon Montfort, the Earl of Leicester, and other great lords, against Henry the Third, when his lands suffered escheat, which he was allowed to redeem with a considerable fine. Jordan la Warre is said to have married Isabel, daughter of Sir Payne Peverill, knight.

John la Warre, his heir, in the 57th of Henry the Third (1272), possessed, with other lands, Alwaston and Winterborne. But the history of the family is at this period obscure.

Roger, son of John la Warre, succeeded to the possessions of the house. He married, early in life (about 1278), Clarice, daughter and co-heir of John, Baron Tregoz of Ewyas Harold, Co: Hereford, who brought with her the honour and castle

of Ewyas Harold, and other large possessions in Somersetshire, Wilts, Herefordshire, Northamptonshire, and Salop.—In the 10th of Edward the First (1281-2), he was in the expedition into Wales, and had the scutage of all such of his tenants as held by knights' service.—In the 13th of Edward the First (1284-5), he obtained the king's license for a weekly market in the honour of Wickwarr, in Gloucestershire, with other privileges.—In the 16th of Edward the First (1286-7), he was required to attend the king with horse and arms at Gloucester, and, in the 22nd of Edward the First (1293-4), was summoned to a council of the king, and also attended at Portsmouth with horse and arms, and sailed into France.—Three years after this event, we first find the name mentioned of John, son of Roger la Warre, who, during the lifetime of his father, in the 25th of Edward the First (1296-7), accompanied his sovereign to Flanders. Subsequently to this inert and bloodless expedition against Philip of France, we continue to hear less of the exploits of John la Warre than of those of his father.—In the 26th of Edward the First (1297-8), Roger la Warre was governor of the castle of Burgh-on-the-Sea, in Gascony.—In the following year, on the 30th of September, 1299 (28th of Edward the First), he was ordered to Carlisle, on the ensuing feast of Saint John the Baptist, to serve against the Scots.—In the following year, he was at the siege of Carlaverock, on the Solway Frith, where he was celebrated by a poet of the expedition as “un vaillant home e de grant los:”—

Rogier de la Ware avec eus  
 Ung chivaller sage et preus  
 Ky les armes et vermeillectes  
 O blanc Lyon et croisselectes.

“With these was Roger de Ware, a wise and valiant knight, whose arms were red, with a white lion and crosslets.”—[Siege of Carlaverock, edited by Nichols, 1828.]—In 1301, Roger la Warre protested in Lincoln against the domination of the pope, and signed himself Roger la Warre, lord of Isefield. The seal was not appended to that document.—During the year succeeding, 31st of Edward the First (1302-3), we find John la Warre following the military prowess of his father, and attending his sovereign in the Scottish wars.—In the 33rd of Edward the First (1304-5), Roger la Warre had the care and responsibility of being one of the manucaptors for William de Montague, a prisoner of the Tower of London, and in the year following, the 34th of Edward the First (1305-6), preparatory to the great expedition into Scotland, —upon which occasion the king was anxious to win the support of his more powerful barons by con-

ferring honours upon them,—Roger la Warre was one who received the honour of knighthood by bathing.—Soon afterwards, John la Warre was required to attend the king at Carlisle, but, for some unknown reason, neglected to obey the summons. Edward, in his indignation at the absence of his vassal, which was without license, and without his having paid the usual fine, ordered him to be attached, and his lands and goods to be seized, which, upon his making amends, were restored. Roger la Warre was next summoned, and made some excuse, which, by the resolute and energetic monarch, was not deemed satisfactory. The baron was induced to pay the usual fine, and, in the same year (1306-7), to return to the wars.

But we now approach the year when Thomas Greslet made over to his brother-in-law, John the son of Roger la Warre, and to his sister conjointly, his barony of Manchester. Consequently, the history of John la Warre, rather than that of his progenitors, will demand our attention.

It would not be easy to assign a date to the time when a marriage took place between John, the oldest son of Roger la Warre, lord of Isefield, and Joan, the sister and heir of Thomas Greslet, by which marriage the barony of Manchester eventually passed to the possession of the family of La Warre.

In 1307, John la Warre, who had acquired estates in Shropshire and other places (having in 1302 obtained a grant to hold a court leet at the manor of Albrighton, in the county of Salop), was summoned to parliament, and soon afterwards was made knight of Bath.

It is of difficult explanation, why, at the close of the reign of Edward the First, a writ of exoneration should have been addressed to the collectors of scutages on behalf of Johannes la Warre, in respect of the lands and tenements formerly held by Thomas de Grele, deceased. Thomas Greslet might at that time have been enfeebled by some disease, or have taken monastic vows, which had led to the notion that he was defunct.

In the various inquisitions held about the year 1311, it would appear that John la Warre held the manor of Manchester by right of his wife from the lord the king and the Honour of Lancaster (or rather from the lord of the duchy). To this tenure was attached a service of lii<sup>s</sup> vi<sup>d</sup> to be paid at the Nativity of John the Baptist, for the ward of the castle of Lancaster; likewise of iii<sup>s</sup> ii<sup>d</sup> iii<sup>s</sup> as a “sake fee” [fine to the court baron] for five knights' fees and the fraction of another,—the payments to be made at the Nativity of the Lord, the Annunciation of the Blessed Mary, the Na-



tivity of John the Baptist, and the feast of Michael the Archangel.

In another document, the knights' fees, as formerly held by Thomas Greslet, are rated at five and a half, and one-twelfth, besides one-sixth of another held in eleemosynam by the prior of Saint Thomas, near Stafford, which was formerly held from the Honour of Lancaster by the heirs of Richard Hulton.—[For the documents, see Gregson's Lancashire, p. xlvi.]

### CHAPTER I.

#### THE ALIENATION OF THE MANOR OF MANCHESTER TO THE ABBEY OF DORE, IN HEREFORDSHIRE.—FROM THE FOURTH TO THE NINETEENTH OF EDWARD THE SECOND.

No sooner did John la Warre come into possession of the manor, than he procured an alienation of it, along with other family possessions, to the abbey of Dore, with the exception of the rights of patronage to the churches of Manchester and Ashton, which were reserved. The alienation took place in the 4th of Edward the Second (1310-11).

The Cistercian abbey of Dore, in Herefordshire, situated not far from the confluence of the Dour and the Minow, about ten miles south-west of Hereford, was founded, in the time of King Stephen, by Robert, the youngest son of Harold, lord of Ewyas, to the honour of the Virgin Mary. Sibille Ewyas, his descendant, and sole heiress of the estates of Ewyas Harold, married Sir Robert Tregoz, whose issue, John, left two daughters, co-heiresses, the elder of whom, Claricia, married Roger la Warre. After this event, the white monks of Dore "in Ewis Land" became recommended to the family of La Warre, and more particularly to John la Warre, who enriched the abbey with new gifts.

In the *inquisitio ad quod damnum*, wherein a license for infeoffing, of the date of the 4th of Edward the Second, is granted to Johannes Ware, "pro abbate et conventu de Dore," the grant in favour of the abbey comprises manors in Salop, the marches of Wales, Lancaster, Lincoln, Gloucester, North Wales, &c. Among the Lancashire lands was the manor of Manchester.

There is little more than a conjecture to offer upon the motive of this alienation. Did Thomas Greslet assume the monastic habit, and had a bequest of land, conducted through the medium of his brother-in-law, John la Warre, a reference to his support during his seclusion in the abbey of Dore?

Whether it was originally intended that the alienation of these manors should extend beyond a certain number of years, is uncertain.

#### § 1. THE ARMING OF VILLEINS, RECENTLY EMANCIPATED, AS WELL AS OTHER "LOW-BORN" MEN, UNDER THE NAME OF YEOMEN.

The bloody and protracted wars of this period were the cause of a most important change in feudal interests, by which was raised a class of men, who, in a later period, formed the most considerable portion of the commonality of England. When it was indispensable that men must be procured for the Scottish wars, base-born men, as they were invidiously named, that is, cultivators of the soil, or mere tenants at will, who, in a former period, had received the boon of manumission, had very small allotments of land given them in requital of military service, and that they might not be confounded with any "of gentle blood," wore for their defence, in place of steel armour, a buff coat of hide, or leather, and, as they were denied any heraldic honours, they were crestless. In order, also, to obviate any further chance of this class being confounded with well-born warriors, a name was attached to them still indicative of servitude, but, implying in its meaning, that they were keepers or protectors of the barony, or manor of the lord, from its foreign enemies. That this was the original meaning of the word yeoman (the name allotted to these soldiers of vulgar descent), is evinced from the acceptation in which the word "yeme" was understood, signifying to take care of, to attend, or to keep in custody, and hence, by yemen, or yeomen, was meant keepers or protectors, as is shewn in the metrical poem of Sir Tristrem, written in the year 1250:

"Yvel yemens er we."

—[See the metrical romance of Sir Tristrem, edited by Sir Walter Scott, p. 49; also the Glossary to the same, in voc. "yeme," "yemen," and "yemyng."]—

In fact, the custom of giving the name of yeomen to a sort of middle rank of domestic servants, was familiar in the time of Chaucer, whence the eligibility of the term, as applied to tenants of the class of husbandmen, appointed to follow their masters to the wars, or for any other service requiring arms for defence. For instance, the squire's yeoman is represented as armed:—

He was clad in cote and hode of grece;  
A shefe of peacock arwes bright and kene  
Under his belt he bare full thriftily:  
Wel coude he dresse his takel\* yemanly.

\* Arrow.

His armes drouped not with fetheres lowe,  
And in his hond he bare a mighty bowe

Upon his arme he bare a gale bracer\*  
And by his side a sword and a bokeler,  
And on that other side a gale flaggere  
Harneised wel, and sharp as point of spere.

\* Armour for the arm.

From an extenta manorii, which bears the date of 1322, but which relates to the state of the manor in the time of Thomas de Greslet, it will be shewn that a knight's fee was liable to be carved out into fractional parts, in order to be distributed among various small tenants, who thus became advanced to the rank of yeomen. To these industrious, yet restless yeomen, the commercial prosperity of Manchester was eventually due.

§ 2. CERTAIN KNIGHTS' FEES BELONGING TO THE BARONY OF MANCHESTER ARE BROKEN UP INTO FRACTIONAL PORTIONS, IN ORDER TO INCREASE THE NUMBER OF MEN REQUIRED FOR THE WARS.

In the 2nd of Edward the Second (1308-9), the county of Lancaster had been summoned generally for the defence of the Scottish marches. Two years later, three hundred foot soldiers were ordered to march from Lancashire at the feast of the Nativity of the Virgin (the 8th of September), to assemble at Berwick-upon-Tweed;—which requisition was followed up at the expiration of other three years, by five hundred more being required to march against the Scots. They added to the numbers of the English army, who were defeated at Bannockburn. In the 10th of Edward the Second (1316-17), all able-bodied men in Lancashire, between sixteen and sixty, were ordered to be raised for the purpose of resisting the Scots, in case they should invade the kingdom; but, in the course of two years, offensive operations were resumed. The barons or tenants in capite, to the number of one hundred and twenty-eight, were commanded to muster at Newcastle with horses and arms to proceed against Robert de Brus. Writs were also sent to the mayors of various privileged Lancashire towns, to send the king as much money as they could afford against Scotland, under the name of a "loyalty loan;"—which corporate contribution was independent of the collection of the eightieths, and the scutage of two marks for each knight's fee.—[Baines's Lancashire, vol. i, p. 275-6.]

As there was a requisition at this time for more armed men than a baron, or a lord could well supply as his quota, it was found necessary to break down knights' fees into fractional portions, and, thereby, to secure more soldiers to the use of the king. This is shewn in the extenta manorii of

Manchester, taken in 1322, which, however, relates to the proceedings of this particular period.

It was estimated, for instance, that within the upper and lower bailiwick of this barony, there were four and a half knights' fees, and, in addition, one-fourth and one-fortieth part of a knight's fee. These were divided among numerous tenants in fractional parts, varying from one-half to one-fortieth, with the exception of one integer knight's fee which was granted to Nicholas Longford, for Withington. The reason for estimating these fractional parts is sufficiently evident. If an integer knight's fee, such as that of Nicholas Longford, required a definite talliage, or a definite number of men for the service of the country, half a fee required half the amount, or the fourth of a fee, the fourth of the amount, and so on, until was reached a fortieth part.

We find these various fractional divisions of knights' fees distributed to tenants throughout most parts of the barony. In the Amounderness hundred, Robert de Lathom held the thirteenth part of a knight's fee by John de Brockholds, and in the barony of Widness, belonging to the West Derby hundred, he held Childwall, including Alretune, for half a knight's fee.—In the Leyland hundred, we perceive Robert de Holland holding one half of a knight's fee in Parbold and Dalton, by Richard Walch and the prior of Burcough. In Withington, Robert de Lathom and John de Kirby held half a fee. The same fractional amount of land was possessed by William de Worthington, for Worthington and its members.

In the lower bailiwick of Manchester, Nicholas Longford held one knight's fee for Withington with its members, while half a knight's fee was held conjointly by the tenants of Barton-upon-Irwell, Irwelham, Hulme, Bromehurst, Newham, Withington, Maunton, and Wychilswyke, who possessed among them eight bovates of land.

There can be no doubt that the various tenants who shared among them half a knight's fee, or eight bovates of land, were of the rank of yeomen, —a name, as I have already explained, given to a middle rank of domestic servants when armed by their masters for defence; as, for instance, like the squire's yeoman of Chaucer. But so great was the reluctance to employ menials in the army, that it was never subdued until the Scottish campaigns had so thinned the ranks of our English gentry, that it became absolutely necessary to fill up the vacancies with recruits selected from among that class of dependents, who had hitherto been incapacitated, by their birth and menial employments, from bearing arms. It was from the class of recently emancipated villeins, named bondage te-

nants, that a careful selection was made of yeomen, who, notwithstanding, were such novices in their new profession, that, at the battle of Mytton, which occurred in the year 1319, the Scottish troops stigmatized them as

"Husbandmen that could nothing in wer."

Such are the comments suggested by the manorial record, that the tenants of Barton-upon-Irwell, Irwelham, Hulme, Bromihurst, Newham, Withington, Maunton, and Wychilswyke, possessed among them [as "lusty yeomen"] eight bovates of land.

§ 3. JOHN DE DEKORDEN (PERHAPS VORDEN)  
RECTOR OF MANCHESTER.

In the extract by the Holmeses from the Lichfield cartulary, the presentation appears as follows:

p. 186.

Registrum Roberti de Rideswell  
Archidiaconi Cestrensis  
1313. 6 Edw. II. Manchester. 9 Kal Febr Johannes Dekorden.  
Patr. Jo. la Warre miles.

It has not unfrequently been a question,—If by John Dekorden, John de Kuerden was not meant? Cuerden being a village in Lancashire, about two miles south of Walton-le-Dale. Hollinworth, however, who had access to some original document, sets down the rector as "John Deeverden," which I should conceive to be nearer to the true reading, and, as such, I am inclined to suppose that by the name Johannes Dekorden, was meant Johannes de Worden, variously spelt Werden, or Wearden,—the cognomen, by the way, of a prebendary of Lincoln of that time.

The genealogy of this rector is uncertain. The name "De Verdun," was that of the benefactors of Crokesden Abbey, in the county of Stafford. I once conjectured that a family of Worden, or Werden, so stiled from a town of that name in Holland, or in Westphalia, might have been introduced into Manchester, whence the origin of the thriving house of Worden, or Werden, very early settled there, and dating, perhaps, from the arrival of the Flemings for the purposes of commerce. I also find in one of the Lancashire pedigrees, mention made of the Faringtons of Worden, Werden, or Wearden.

But, upon this genealogical question, we do not appear to possess sufficient data for a decision.

A proof is afforded us, from the Lichfield cartulary, that although the manor of Manchester was alienated to the abbey of Dore, John la Warre reserved to himself the patronage of the church.

§ 4. ADAMUS DE ARDENA, RECTOR OF ASHTON.

Adamus de Ardena is registered as rector of Ashton between the years 1305 and 1324; but

the time of presentation, the name of the patron, and the cause of vacancy, are severally left blank.

With the family connexions of this rector we are unacquainted. The Ardens of Alvanley Hall were an ancient family of Cheshire.

§ 5. JOHANNES DE ARDENA AND HUGH DE MYLNEGATES, CHAPLAINS OF MANCHESTER.  
—TENTH OF EDWARD THE SECOND.—[A.D. 1316-17.]

From the following document, kindly communicated to me by the learned editor of the *Notitia Cestrensis* of Bishop Gastrel, the Rev. F. R. Raines, M.A., Incumbent of Milnrow, near Rochdale, we find that another individual of the name of Arden was connected with the church of Manchester, as chaplain:—

Sciant &c nos Willielmus filius Petri de Mamcestrie et Johanna uxor mea dedimus concessimus &c. Domino Johanni filio Ricardi de Ardena capellano hereditibus et assignatis pro octo marcis nobis ad urgens negotium nostrum unum burgagium edificatum in villa Mamcestrie jacentem inter burgagium Ayvile filie Ricardi filii Ranulphi ex parti una et burgagium Sireldis filii Jordani ex parti altera Habendum et tenendum de capitalibus dominis fedi per servicia. His testibus Nicholao de Ardena tunc capitali seneschalo Domini Johannis la Warre tunc Domini Mamcestrie Johanne de Hulton tunc ballivo Mamcestrie Adam de Radeclive tunc receptore Roberto de Ashton Roberto filio Roberti filio Simonis Hugone le Barkere Johanne le Tailloire Thoma Pfibro et aliis Datum apud Mamcestriam 10 Julii, 10 Edw. IIa.

In the above interesting deed, wherein a burgrave is conveyed to a chaplain of Manchester, John, the son of Richard de Ardena, for the sum of eight marks, information is acquired of the names of certain manorial officers, as well as of certain inhabitants of the town. But the most remarkable circumstance is, that although the manor of Manchester was then alienated to the abbey of Dore, John la Warre should have had the title of lord of Manchester given to him.

Again,—from other documents (examined by the Rev. F. R. Raines), of the dates of the 10th, 15th, and 19th of Edward the Second, we learn that Richard, son of Hugh de Mylnegates, was chaplain of Manchester.

§ 6. THE DEATH OF ROGER, FATHER OF JOHN LA WARRE.

Roger la Warre was a brave soldier, seldom absent from the field of glory, or from the councils of his sovereign. In the 8th of Edward the Second, he had summons to repair with horse and arms to Newcastle-upon-Tyne, there to restrain the incursions of the Scots. In 1320 (14th of Edward the Second), he ended a most honourable and active life. His arms are thus recorded:—Gules, semée of cross crosslets, a lion rampant argent.

With the exception of Roger la Warre's son and heir, there may, perhaps, be some little ob-

scurity regarding some of his immediate descendants. That the ancient house of Wares of Hestercombe, in Somersetshire, descend from him there is no doubt. According to Harris, in his edition of Ware's works, another branch was claimed by Sir James Ware (the historian of Ireland). This was, probably, from Nicholas de Ware, temp. Edw. I.

§ 7. THE EARL OF LANCASTER'S REVOLT AGAINST THE KING.

In the 4th of Edward the Second (1310-11), the marriage of Thomas, Earl of Lancaster, the eldest son and immediate successor of Prince Edmund, with Alice, sole daughter of Henry de Lacy, Earl of Lincoln, had transferred the castles and lands belonging to this ancient family, including estates in Blackburnshire and other parts of Lancashire, to the house of Lancaster. The Earl of Lancaster having immediately afterwards entered into a conspiracy with various noblemen against Piers de Gaveston, and subsequently against the king, for having sanctioned an injustice of Hugh de Spencer, who succeeded to the Gascon as the king's favourite, civil ruptures ensued, which, perhaps, raged nowhere so hotly as in the county of Lancaster. In the mean time, Adam de Banistre, with a numerous band of adherents, invaded the lands of Thomas, Earl of Lancaster, but was defeated near Preston with a great loss of life. The victors then plundered the dwellings of the subdued followers of Banistre, particularly in the hundred of Layland, and caused the houseless inhabitants to resort to begging, or to plunder, for their precarious means of subsistence. Eventually, in the 15th of Edward the Second (1321-2), the Earl of Lancaster was defeated and beheaded.

§ 8. THE CIVIL AND ECCLESIASTICAL DISTRACTIONS PREVAILING IN LANCASHIRE AT THIS TIME.

Lancashire had never before suffered from so many internal distractions as during this period.

The first cause of these had been the discouragement given to peaceful industry, by the demand of men for the Scottish wars. The land was then teeming with an important class of freeholders, named yeomen, the term having been derived, as I have already shewn, from the distinction given to such domestics as were retained for the especial purpose of defending their masters, whom they now accompanied to the battle-field against Scottish or French foemen. The honourable occupation thus allotted to English yeomen had advanced them an important step in the social scale. Although they were inferior to free tenants of good

birth, between whom a strong line of demarkation was intended to be drawn, yet they were superior to bondage tenants, synonymous with tenants at will, or tenants in villein socage. It was in the circumstance of dress and accoutrements that the yeoman differed from the free tenant, who had family claims to gentility, by which he became entitled to bear arms. The yeoman fought on foot, and, in the place of steel body armour, which would not only be too ponderous for him, but would even confound all gentilitical distinctions, he was clad from top to toe in a garb formed of a capull hide, or horse hide, difficult of penetration, while, at his side, he wore a sword and dagger, and also carried with him a bow and quiver. This is evident, from the account given of the "wight yeoman" in the ancient ballad of Robin Hood:—

A sword and dagger he wore by his side,  
Of many a man the bane;  
And he was clad in his capull hide,  
Top and tall and mayne.

And, again, in the costume of the popular freebooter himself, who was a yeoman, it is added:—

Robin did doff his gown of green,  
And on Sir Guy he did it throw;  
And he put on that capull hide  
That clad him from top to toe.  
The bow, the arrows, and little horse  
Now with me I will bear,  
For I will away to Barnesdale,  
To see how my men may fare.

Such were the yeomen in the time of Edward the Second, many of whom, in their impatience for a continuation of the scenes of plunder and devastation to which they had been inured in the course of Scottish wars, became, in the language of the proclamations issued forth, "notorious thieves, to the injury of the peace and the danger of the property of their well-disposed neighbours." This state of demoralisation had been increased by the ineffable disdain which the yeomen had gradually acquired towards the vulgarity of peaceful occupations. Accordingly, in sallying forth, accoutered in their distinctive garb, from stirring campaigns to the dull monotonous quiet of tillers of the land, they exchanged habits of husbandry for an organised state of outlawry, resembling that of their ideal prototypes of Sherwood Forest.

Instar Robin Hood et servi  
Scarlet et Ioannis Parvi,  
Passim, sparsim, peculantur,  
Cellis, sylvis, depredantur.

DRUNKEN BARNAST'S TRAVELS.

Another cause of the civil insubordination which prevailed in Lancashire has been already described. Estates cultivated by villeins had failed in their

means of support to keep pace with an increasing population. Notwithstanding the stringency of the laws which enacted, that lords should be responsible for the illegal acts of their bondsmen, if they were in any degree cognizant of them; and that no one was to allow his villein, or any other in his employ, to leave him until purged from all charges,—it so happened that every locality teemed with disorderly bodies of vagrants, committing numerous acts of lawless outrage.

During this unparalleled state of anarchy, we find the Saxon system of mutual pledges resorted to, within which all resiants were compelled to enrol themselves. Upon any individual being placed in decenna, that is, under the mutual responsibility of ten householders, he could not withdraw himself when he chose. No one, also, of the age of fourteen, or above, could remain in the realm above forty days, without being first sworn to the king by an oath of fealty, and received into a decenna. Every clergyman, also, was obliged, upon admission into orders, to find twelve persons to be bound, or in bail for him, analogous to the pledges given by the laity in the court leet.

The consequences of an infraction of the ancient system of mutual pledges have not yet been described. Upon the failure of a pledge, the weapon and goods of a delinquent were to be taken in trust by his friends, and he was to be committed to custody for forty days. If charged by the commonalty of the country with felony, he was required to depart the kingdom within forty days;—and if, in the mean time, he should die, he was to be unrevenged. If he fled, after committing a felony, excommunication followed, while the family of the offender, and even the decenna to which he belonged, might be amerced. Lastly, if any one harboured an outlaw,—*lupinum enim gerit caput*,—or an excommunicated person, he might expiate the offence with loss of life and possessions.—[Merewether and Stephens, p. 609, 614, &c.]

The last cause of the disordered state of Lancashire may, perhaps, be referred to the ascendancy of military habits, whence the dull routine of a private life was rendered intolerable to such as had been inured to stirring campaigns. Knights, squires, and yeomen, were promptly marshalled in the field of civil warfare, armed with swords, daggers, bows, and arrows, having been incited by the harangues of seditious priests, among whom was Robert de Cliderhou, parson of the church of Wigan, who preached before all the people, telling them that they were the liege men of the Earl of Lancaster, and bound to assist him against the king.

During these distractions, the privileges of sanctuary screened both ecclesiastics and laymen. Such was the influence of the church, that no edicts could be carried into effect capable of meeting clerical disorders, except such as were tame, indecisive, and susceptible of evasion. Of these were the inert provisions of the act of 1315 [*circumspecte agatis*], that the privilege of sanctuary should not be denied to a clerk who had confessed felony, and that if a clerk, fleeing to the church for felony, affirmed himself to be a clerk, he should not be compelled to quit the realm, but, on yielding himself to the law, should enjoy the privilege of the church, according to the laudable custom of the realm hitherto used:—lastly, that persons actually abjuring the realm should be in the king's peace while on the highway or in the church.—[Tierney's ed. of Dodd's Church History, vol. i, p. 331, where the statute is given.]

Insubordination had, at length, attained its greatest height, and although, in the 17th of Edward the Second, a commission of array had issued forth to pursue and arrest all assemblages of armed men, knights, and esquires, but more particularly yeomen, yet the interdict was despised, even though the prisons of Lancashire began to be filled with licentious inmates.

The active minds of the yeomen, indignant at the feudal tyrannies from which they had in part emancipated themselves, and commiserating the hard fate of husbandmen, who, while they "tylled with the plough," were still oppressed with the cruel restrictions imposed upon them by the condition of native villeinage, or by bondage tenures,—waging war also with the corrupt jurisdiction of high sheriffs, with the pride and avarice of abbots and archbishops, with the extortions exercised by the archdeacons, ordinaries, or other officials of bishops' courts, while enforcing, under the awful penalty of excommunication, their dimes, their procuracy, their mortuaries, and other ecclesiastical dues,—being, likewise, still farther goaded by the odious laws of the chase, which, during the periodical visitations of famine whereby the land became fruitless, monopolised a great portion of arable ground, which was thus withheld from the means of administering support to the starving families of toiling husbandmen,—these intolerable grievances incited to the hazardous profession of plundering the numerous forests of preserved deer, whether they belonged to rich barons and earls, or even to the liege sovereign. A hue and cry was raised, and

They were outlaw'd for venison,  
These yeomen every one.

Yorkshire and Lancashire afforded the most favourite fields of adventure for the exploits of Robin

Hood and his bold yeomanry, who, like the General Led, or Captain Rock of modern days, were nothing more than ideal personages, embodied by vagrant minstrels in the form of ballads, and expressing the restlessness of the mind, that the tendencies of man's noble nature was not satisfied,—and that none of the illusions, which in the profundities of the human soul had hitherto slumbered, were yet realised.

They Yorkshire woods frequented much,  
And Lancashire also,  
Wherein their practices were such  
That they wrought muckle woe.

In solid content together they liv'd  
With all their yeomen gay,  
They liv'd by their hands, without any lands,  
And so they did many a day.

ANCIENT BALLAD OF ROBIN HOOD.

### § 9. DECLINE OF THE OFFICE OF RURAL DEANS.

The causes to which the decline of this office was attributable may be enumerated as follows:—

1st, The ignorance of rural deans in the canon laws;—2ndly, Their inability to resist the encroachments of the civil power;—and 3rdly, The necessity which subsisted of appointing churchmen of greater learning and influence, as, for example, archdeacons, to execute the declining office.

In considering these causes, I shall begin with the first of them, namely, the ignorance of deans rural in the principles and practice of the canon laws.

The rules and laws which the church, as a society of Christians, had from the second century commenced making in the form of provincial constitutions, or synodals, to which was added glossaries, the sentences of popes, summaries, and rescripts, &c. &c., began to be first collected about the early part of the twelfth century, and having been corrected by Gratian, a Benedictine monk, were published in England in the reign of Stephen. To these was added a compilation of the decretals, or the canonical epistles, written by popes and cardinals to determine any controversies, the first volume of which was published in the year 1226, and was appointed to be received for law in all ecclesiastical courts, and to be read in the universities of Cambridge and Oxford. A second volume of the decretals was published and introduced into England in the year 1298, and a third in the 2nd of Edward the Second, 1308. These foreign canons severally obtained in England the force of statutes, in all cases in which they did not militate against the prerogative of the king, or against the laws of the land. To this foreign portion of the *jus canonicum* was added that which was purely

English, consisting of the several laws and constitutions designed for the government of the church, by the assent and confirmation of the kings of England, which were made at councils held at Oxford, London, Reading, Lambeth, and other places, from the time of William the First, but more particularly during the successive reigns of Henry the Third, and Edward the First and Second, under the direction of various legates of the pope and archbishops.—[See Dr. Hook's *Ecclesiastical Dict. in voce canon.*]

From this historical summary it will be evident, that in the reign of Edward the First and Second, a knowledge of the canon laws, as studied in the universities of Oxford and Cambridge, began to be considered, in all courts Christian, as an indispensable qualification for the administration of justice. As it was found, therefore, that, in the probates of wills and in matrimonial pleas, or causes, the deans rural had frequently overstepped the limits of their office, the interference of canonists was judged necessary for the purpose of compelling them to keep within the acknowledged bounds of their proper jurisdiction. By these canonists the rural deans were pronounced to be unfit for their office;—they were “*juris ignari*.”

A second cause of the declining functions of “*deans rural*” may be traced to the encroachments of the civil over the spiritual jurisdiction of the land, by which the most profound knowledge, skill, and subtlety, capable of being exercised by the well-disciplined canonist, became called into requisition. The cause of this state of spiritual jurisdiction was but too evident. The power of the court of Rome, in England, had begun sensibly to decline, and, as a consequence, the legates were under greater restraint. In proportion, therefore, to the diminution of the papal influence, the ecclesiastical jurisdiction became exposed to invasions made upon its privileges by the civil power, or by the king and civil magistracy, and thus the clergy were more and more drawn out of their own courts, and made subject to civil inspection. An instance of the prevailing practice of staying such proceedings, as, in a former period, were brought before spiritual tribunals, is afforded in the charter of Manchester. It was there insisted upon, that all clerks who might contract debts in the borough, which they were unwilling to discharge, should be arrested by the reeve, and brought before the portemanmote.

During this jealousy which prevailed in the public mind of the rights assumed by the church, all spiritual authority must have soon ceased, if a remonstrance had not been made by the most influential churchmen, which, in the 9th of Edward the Second

(1315-16), led to fresh articles, sixteen in number, being drawn up, under the statute "*circumspecte agatis*," specifying the cases in which the king's interference or prohibition did not lie. Of these was the excommunication enjoined for laying violent hands on a clerk, for which the offender might make a pecuniary compensation, while the amends for the peace broken was to be brought into the court of the king;—or the penance for defamation, enjoined by prelates, which was also commutable by money. Other questions, thus adjusted, related to tithes, to the sentences of spiritual courts, to the levying of ecclesiastical distresses, corodies, and pensions, to the examination of clerks presented to benefices, and to the privileges of sanctuary, &c. &c.—[Tierney's ed. of Dodd, vol. i, p. 137, and App., p. 331, where the statute is given.]

While these long contentions of the civil and ecclesiastical jurisdictions were going on, notwithstanding the framing of articles intended as a barrier between the two powers, the deans rural were particularly obnoxious to the government, as "*falcem suam in alienam messem mittentes*;"—as encroaching upon the rights and privileges of the crown, and intermeddling with matters temporal beyond their lawful jurisdiction, of which an instance has been cited by Mr. Dansey, wherein they even punished by imprisonment in a county gaol, in addition to the ecclesiastical penalty of excommunication. To this wanton and undue exercise of authority, it was high time that wholesome restrictions should be placed.

The third and last cause of the limitation of the decanal authority may be readily anticipated. It was the necessity which ensued of appointing churchmen, of greater learning and influence, to execute the declining office. Accordingly, in the language of a too indulgent apologist, Dr. Kennett, "then began the canonists to pretend themselves the only fit ministers in all courts of Christianity, and, under this character, insinuated themselves into the favour and council of the bishops, and so obtained the new titles of archdeacons, officials, and chancellors, and then run down the rural deans for men of ignorance and incapacity, that they might the more easily invade all the power and profits of their office." In the dioceses of most parts of England, the functions of the dean rural were in some degree absorbed in those of the archdeacon. "The archdeacons," adds Kennett, "by the advantage of a personal attendance on the bishop, were by him intrusted to examine and report some causes, and, by degrees, were commissioned to visit the remoter parts of the diocese, and so to exercise some other judicial power;

till, under the bishop's favour and protection, they encroached upon the rights and jurisdiction of the deans, getting first an ascendant, and, at last, by prescription, a superiority of office."—[See *Horn Dec. Rur.* vol. ii, p. 103-5, from which these citations are given.]

By this archidiaconal intrusion, the primitive constitution of rural chapters was in every diocese altered, while, in some localities, it was eventually dissolved. To this gradual extinction, however, of the functions of deans rural, those of the archdeaconry of Chester, within which was the conjoined deanery of Manchester and Blackburn, may form an exception. The ancient authority to which the dean of Manchester laid claim over the ten parishes intrusted to his supervision, was, no doubt, greatly curtailed, and even cramped by the overwhelming ascendancy of archidiaconal supervision, yet still it was considerable. It owed its survival, no doubt, to the vast extent of the archdeaconries of Chester and Richmond, and to their distance from the episcopal see of Lichfield. Hence, a delegation of power to the two archdeacons, as well as to the rural deans acting under them, was considered indispensable to the discipline and well-being of the diocese.

The offices still remaining to be exercised by the rural dean of Manchester may now be stated:—

Of these, the first was the probate of wills. Dr. Newton [as cited by Mr. Dansey, from the MS. ledger book penes Regist. Dioces. Cestr. W. Ward] deemed the testamentary jurisdiction of decanal ordinaries so ancient in the diocese of Chester, as to be protected "by prescription, limitation, exception, and custom."

The prescriptive testamentary jurisdiction of the deans rural of the diocese of Chester was, on the 28th of October, 1652, pronounced by Sir Robert Wiseman to be as follows:—"The probates of wills when the estate is under forty pounds, the wills of knights and clergymen excepted;—calling for inventories and accounts;—granting administrations, the estate being under the same value;—and assigning curations for the ends aforesaid."

A second prescriptive office of the deans rural, according to Sir Robert Wiseman, was, "proceeding against all ecclesiastical offences and faylings (except adulterys and incest), enjoining penances and inflicting ecclesiastical censures, and doing such matters as are necessary dependencies upon the premises."

"All which," adds Sir Robert, "is to be limited to the compass of the said deanries, and to be extended no farther."—[*Horn Dec. Rur.* vol. ii, p. 77.]

A third office of the same rural deans, which long survived the extinction of these functionaries in other parts of England, was, to collect the synodals, pensions, and other dues belonging to the bishop.—[See Gastrell's *Notitia Cestr.*: edited by the Rev. F. R. Raines, vol. i, p. 27.]

We are, lastly, made acquainted, from the MS. ledger book of the diocese of Chester, that the rural deans, who previously to the year 1200 were removable at the will of their archdeacon, subsequently came to hold the office for life.—[*Hors. Dec. Rur.*, vol. ii, p. 409.]

§ 10. SURVEY OF THE BARONY, AND MANOR OF MANCHESTER, A. D. 1322.

During the reigns of Edward the First and Second, the government had not only suppressed the creation of any new manors, but had kept up a jealous surveillance over such as subsisted. In the year 1296, the borough and hundred of Salford, as held by the Earl of Lancaster, had been surveyed, and the profits of the lands of various townships carefully estimated, together with the rents of the town, including the tollage, stallage, farm of the water mill, assize, and the produce "of a toft near the bridge," amounting altogether to the sum of £40 5s.—[*Baines's Lancashire*, vol. ii, p. 143-4.]

The survey of the barony of Manchester followed in the year 1322. It has fortunately been preserved by Kuerden among his MSS. in the Chetham Library. As much of the information already given relative to the history of the barony and manor of Manchester has been derived from this document, which included the retrospective notice of customs, however remote they might have been in their origin, little more now remains for me than to notice the general nature of its contents. We learn from it the knights' fees contained within the barony,—the laws of the court baron,—and the regulations of the forests appropriated to the chase. These have been already explained.

Of other particulars contained in the extant manorii, a brief notice will be sufficient.

In describing the agricultural features of the barony, the survey makes the usual distinction of forests, woods, moor or moss, meadow land, pasture and arable land, and it enumerates fisheries and mills. It explains particularly the bounds of the manor of Manchester, as included within the barony, and it conveys curious information relative to the condition of the town, or borough.

And, first, with regard to the agricultural state of the barony:—The woods were at Kuerdley, Alport, Blakelegh, and Horewich (each already described), at Bradford, and at Heton Norris.—Under the heads of moor and turbary, these were

to be found at Kuerdley, Openshagh, Haremos, Whitmos, Bromihurst, Halmoss, Hetonmos, and Chatmos, the last of which was shared with the lords of Barton, Astley, Workedly, and Bedford:—Waste and pasture land were to be found at Curmeschal, Denton, Wilderhurst, Newplecke, Bromihurst, Pullegreene, &c.:—Of meadow land, little is mentioned; there was some at Aldport, Bradford, &c.:—Arable land subsisted in the greatest quantity near Manchester, as might reasonably be expected, of which there was near one thousand seven hundred acres; other cultivated sites referred to were at Barton, Heton Norris, Brydesghagh, Openshagh, &c.—A few privileges and customs are also mentioned; as, for instance, at Heton Wood and Moss, belonging to Heton Norres, where the tenants, who held in fee by charter, had "housbote and haybote" out of the lords' liberties.

Of fisheries,—the baron's right in the manor of Manchester extended upon both sides of the Irk and the Gorebrooke, but the Irwell is described as dividing the lord's demesnes from Salford, whence the fishery on the Manchester side (*piscaria sepe-ralis*) was named "a several fishery." Other several fisheries were at Barton, extending from Barton ford to Frith ford, and at Heaton-on-the-Mersey to the middle of the river from Grimesbotham up to Ditesbury. At Kuerdley, also, there was in the Mersey a several, or divided fishery, that is, a fishery divided between two or more proprietors, being confined to the side and length of the baronial lands. Upon the river with which it was watered, were placed kiddles,—by which term was meant a dam, or wear, with a narrow cut in it wherein pots were laid for the capture of fish.

From Barton ford to Frith ford, the lord had four ferries on the Irwell.

Of mills,—there was one at Kuerdley, turned by a rivulet of water which came from the moors and woods, and a windmill. There were, also, mills at Gorton, Barton, Heaton Norres, and Manchester.

In the next place, the document, in confining itself to the town of Manchester, regarded as the chief seat of an extensive manorial district comprised within the barony, most minutely lays down the boundaries of the same,—not a town, not a river, stream, lake, clough, moss, hedge, pale, orchard, or road, being omitted. In avoiding numerous details, the boundary line might be more generally stated to commence at the Brendorchard, called Walle-greene, between Aldport and the rectory of Manchester. It then followed the course of the Irwell to Bosselclou, near Strangeways, in a direction between the Musies and Blacklach. Thence to the



middle of the Irke, to Coldwallerclou, to the top of Oxewall, between Manchester and Burghstown, to the Lowcasters, and by the middle of the stream of the Irke, to Akerenton. The Grisebroke was next followed, as well as the pales of Blakel Park, and the track between Notehurst and Rinthurst Moss, as far as Bradleybrucke, between Clayton and Oldham. The course then led to the bounds of Ashton-under-line, along the river Tame to Reddish, to certain turf pits between Heton and Reddish, to the confluence of the Tame and Mersey, to the course of the Mersey, to Stretford Broke, and thence to Menshellach, Whittenton Clou, bounds of Chorleton, to the stream of the Cornebroke, and thence, between the manor of Hulme and Trafford, to the middle of the Irwell, to Over Aldport, the Brendorchard, and Manchester,—whence we started.

Some few particulars regarding the state of the town may next be noticed.

In the time of Thomas Greslet, the old mill situated in the fosse to which the street named the Old Millgate led, appears to have been deserted, in the place of which the burgesses resorted to a mill turned by the river Irke, to which a long lane conducted,—still named from its greater extent “The Long Millgate.”

The obligation to grind at the newer mill was imperative not only on the burgesses and tenants of Manchester, but also on the hamlets of Ardwick, Openshagh, Curmeshale, Moston, Notehurst, Gotherswicke, and Ancotes. The toll was the sixteenth part with this exception,—that the lord of Moston was hopper free to the twentieth grain.

There was also a fulling mill on the Irke, and a common oven near the lord's court, at which, by custom, every burgess was required to bake.

The markets of Manchester were held every Saturday. A fair was appointed from the vigil of Saint Matthew the Evangelist, until the morrow of the same feast during three entire days. From fairs and markets, the annual worth in toll, stallage, &c., was £6 13s. 4d.

In the rental of Manchester we find rendered annually, one nag, or palfrey, one “sparhawk,” one pair of spurs, two knives without sheathes, two cloves, and three pair of gloves, said to be together worth forty-one shillings and seven pence.—[Another account says one clove only, and makes the summary forty shillings and seven pence.]—The payment at the feast of Saint Matthew was twelve pence; at Christmas £8 4s. 0½d.; at Easter one clove; at Saint John the Baptist's day £10 12s. 8d.; and at Michaelmas £8 13s. 0½d.

Altogether, Manchester rendered yearly £37 17s. 0½d.

Such was the manorial state of Manchester after the inhabitants had divers civil immunities guaranteed to them by the late charter of Thomas Greslet. Instead of remaining oppressed with feudal restrictions, bordering upon those of villeinage, and only differing from them in the law-worthy immunities enjoyed under the view of frank pledge, the burgesses of Manchester had at length acquired the boasted rights of the English freeman, which resolve themselves into the following summary:—

The English freeman derived his political and civil state, which assuredly was not that of an unqualified freedom, from the circumstances of birth, marriage, and absence from any base services incompatible with the freedom which had imparted a glory to his name. But he was restrained to a fixed residence, and was, thereby, distinguished from such as wandered about from place to place without having given in their pledges, or having been sworn to their allegiance, and who, in strictness of language, were vagrants, outlaws, or “broken men.” He was, in the next place, required to be law-worthy; that is, he was punished if after twelve years of age he did not submit to the jurisdiction of some hundred, decenna, or borough, when he was required to be put under pledge, and to be charged by oath to abide the law. And, lastly, he was required to contribute to the public charges, by paying, with all other freemen, his scot, and by taking his share in the public burdens, or lot, that is, by serving, in his turn, in the wars, by keeping watch and ward, and filling in succession the public offices which were required for the state generally, or locally for the borough where he might reside.

#### § 11. ADAM DE SOUTHWICK, RECTOR OF MANCHESTER, A.D. 1323.

In the list of institutions from the cartulary of the bishopric of Coventry and Lichfield, we have the following record:—

P. 157  
Registrum Magistri Galfr. Blaxton }  
Vicarii Generalis 6 Marti 1323  
fol 3.

1323. 16 Edw. II. Manestre Adamus de Southwick Clericus.  
Patr. Dominus Johannes la Ware, Miles.

Dr. Ormerod has kindly given me the following information relative to this rector:—

“Adam de Southwick was presented by Prince Edward in 1317 to the rectory of Roosterne after the death of Roger Venables, receiving possession in the person of John Southwick, rector of Bangor.—Harl. MSS. 2071, p. 157.”

The value of the rectory in 1322, the year previous to the institution of Adam de Southwick, will be found in the extenta manorii of this date:—

“The church of Manchester, worth two hundred

marks, is at the lord's presentation, to which the Lord John de la War now last presented John de Cuerden, who having been instituted in the same, possesses the endowment, consisting of eight burghages in Manchester, and the towns of Newton and Kermansholm, with the meadows, woods, pastures, and other appurtenances."—[See extract from Kuerden, apud Baines's *Lanc.*, vol. ii, p. 188.]

About this time, 1305, we find that the Strangers held some land in Deneigate, by paying twelve pence per annum to the rector of Manchester.

§ 12. SYMON DE BARNESLEY, RECTOR OF ASHTON, A.D. 1324.

In Vernon's extracts is the following transcript of this entry:—

| Time of Presentation. | Rector.                      | Patron.                     | Cause of Vacancy.                 |
|-----------------------|------------------------------|-----------------------------|-----------------------------------|
| 1324.                 | Symon de Barnesley, Acolyte. | Dominus is: la Ware, Milen. | p. m. Adam de Ardema ult. Rector. |

Baines, in an extract which he has given from the Harleian MSS. relative to this rector, names him Craneslegh:—"Ecclesia de Ashton subter lineam valet 40 marcas et est de presentacione domini ad quam dominus nunc ultimus presentavit Symonem de Craneslegh clericum qui nunc institutus possidet ipsam dotatam."—[Harl. MSS. Cod. 2085, fo. 416, apud Baines's *Lanc.*, vol. ii, p. 188 and 538.]

From this extract it appears, that the church of Ashton, which, in 1292, was valued at fifteen marks, was now worth forty.

§ 13. THE "JERUSALEM LAND" OF ASHTON.

Among the various lands in Lancashire which had been bestowed upon the order of knights templars, were some in the manor of Ashton.

During the jealousy which subsisted between the ecclesiastical and civil authorities, the people took no inactive part, being the most inveterate against the religious orders, now no longer popular, the riches of whom had greatly increased, owing to the vast endowments bequeathed them by opulent landed proprietors. In 1312, the order of knights templars, through the means of the archbishop of York, had been suppressed, not in consequence of charges alleged against them, which had failed in proof, but in deference to popular opinion. The knights were then, for the sake of their immediate relief and sustenance, planted in other monasteries.

It was objected against these hostile proceedings, that the lands which had been granted by pious founders to defend Christianity, to largely provide for the poor, and to pray for the souls of departed benefactors, would, upon the dissolution of the order of knights templars, revert by escheat to the king, or to the original granters. In order to avert

this liability, a statute was framed by which the lands of the late order were bestowed upon the knights of St. John of Jerusalem, named Hospitalers.—[Dodd's Church History, edited by Tierney, vol. i, p. 138 and 332.]

Much uncertainty prevails regarding the original donor of certain lands in Ashton, known at a later period under the name of "Jerusalem land." There was a Henry de Eston [Ashton-under-line?] holding from the family of Burnul, who is recorded to have given twenty acres of land to the hospital of Jerusalem.—[Baines's Lancashire, vol. iii, p. 496.] We find, however, in Ashton-under-line, though at a much later period [the 15th century], a free tenant of the name of Bardsley renting "this Jerusalem land," for which the yearly tribute of a rose (valued at a penny) was paid to the lord of the manor, the profits of which were handed over by the tenant for the support of the knights hospitalers in the Holy Land, where the grand master of the order resided. The donation was at that time presented by a female, who went under the name of Elyn the Rose.—[Account of the manor of Assheton-under-line, by Dr. Hibbert.]

## CHAPTER II.

### THE MANOR OF MANCHESTER, ALIENATED TO THE ABBEY OF DORE, IN HEREFORDSHIRE, REVERTS TO JOHN LA WARRE.

Unless the alienation of the manor of Manchester, in favour of the abbey of Dore, had been for a term of years only, of which we have no historical evidence to adduce, it would not be difficult to assign the reason why the grant should have been at this particular time reversed. Religious houses were far more under the papal influence than under royal control, upon which account they were regarded by the civil government with particular jealousy. But, independently of this circumstance, the sums demanded by Edward from abbots and priors, under the form of tallage, for the lands held by them, were, if possible, evaded for the reason, that the cause of the Scots was befriended by the Roman see.

There can be little doubt that motives such as these had dictated the fresh act by which John la Warre, in the 19th of Edward the Second (1325-6), held the manor of Manchester as an escheat from the abbey of Dort. The entry is as follows:—

Johannes de la Ware pro abbate et conventu de Dore  
 Mauncestre maner' Lancastre'

And along with the manor of Manchester other possessions, in other counties, to a great extent, were stated as reverting to John la Warre, the

granter. Of these were parcels of a manor at Albriton in Salop, along with the advowson of the church, the manors of Ewias Herald in the marches of Wales, of Swineshed and Wodeheved in Lincolnshire, of Wykeware in Gloucestershire, and of Wakurleye in Northamptonshire.

Such an escheat must have been a serious loss to the Herefordshire abbey.

A year after this event, John la Warre acquired an addition of lands from another source.

Clarice, widow of Roger la Warre, one of the two coheireses and eldest daughter of Sir John Tregoz, possessed a moiety of various lands in Hereford, Wilts, Somerset, Salop, and Northampton, which descended to her son John la Warre, who contended against a parliamentary decision of the lands, that he ought to have possessed the whole. After tedious proceedings at law, his mother died in the 20th of Edward the Second (1326-7), when he succeeded to the possession of the lands which had been assigned to him as his share.

In 1327, Edward the Third ascended the throne, one of whose first acts was to reverse the attainder of Thomas, Earl of Lancaster, and to reinstate Henry, brother and heir of the said Thomas, in the possession of all the lands and lordships heretofore escheated.—[Baines's Lancashire, vol. i, p. 127-134 and 279.] Among the manors reverting to the princely house of Lancaster was that of Salford.

#### § 1. THE REMEDIES ADOPTED TO QUELL CIVIL DISTRACTIONS, AND THEIR SUBSIDENCE.

It has been explained, that the greatest cause of the civil distractions of this period was the discouragement given to peaceful industry by the late demand of men for the Scottish wars.

Edward the Third had procured enlistments by the arbitrary calls made by him upon counties, to supply the number of troops which he required. At length the parliament thought it expedient to limit the requisition, and to proclaim, in discouragement of broken men seeking to be employed in the wars, that no one should go out of his shire except when necessity required, or when there was a sudden influx of strange enemies into the realm. Keepers of the peace were also appointed in each county to aid the sheriff in the hue and cry which were directed against all persons accused or suspected of evil, who were ordered to be pursued through town, through country, and through hundred. In aid of this tranquillizing object, the views of frank pledge acquired their greatest degree of stringency. After the seneschal of the sheriff's tourn, or court baron, was sworn, it was inquired, If all of the age

of twelve years were in decenna? If all the tenants, or householders, had given in their pledges and were enrolled? If all the jurors who owed suit and service,—and if all the chief, or capital pledges, or dizeins, in assize of the king, had arrived? The capital pledges, or grand jury, were then charged to inquire,—If the free tenants or freemen [the petty jury] were sworn? If all defaulters, absent, or not in decenna, had been amerced? If there were any king's villeins, or lord's villeins, who were fugitive,—who had not abided in their present station a year and a day,—or who were in some other view of frank pledge? If there were any wanderers, or vagrants, and who were their harbourers or receivers? If there were any clerks, knights, or others, and if not in decenna, of whose manupast they were? If the watch had been duly kept?—The petty jury, or freemen, were, lastly, charged, upon oath, to declare the truth of any indictment,—and, if an injury had been committed within a year and a day, the offending party, if present, was to be immediately answerable, but, if not, the capital pledges were to see the complaint remedied.

It is evident, that, by these measures, the greatest possible degree of efficiency was given to proceedings intended to diminish the number of outlaws rambling from shire to shire, by binding them to a fixed residence, and to their respective decennas.

With the gradual suppression of this lawless state of society, alike involving the laity and clerks,—for the church at that time could furnish many Friar Tucks,—we may now proceed to notice other incidents as well as changes, though of an ecclesiastical, rather than of a civil character.

#### § 2. JOHN DE CLAYDON, RECTOR OF MANCHESTER, A.D. 1327.

The following is the notice of the institution of John de Claydon:—

p 157. b  
1227. 1 Edw. III. Mancestre.—7<sup>o</sup> Cal. Septembris Johannes de Claydon, Presbyter in persona Thome de Wyke post mortem Adami de Sythwike ultim: Rectoris.  
Petr. Dominus Johannes la Ware Miles.

In addition to the above notice there was a dispensation of absence:—

p 157. citing LIB. III.  
Mancestre.—Dispensatio cum Johanne Rectore ecclesie de Mancestre quod possit se absentare ab ecclesia sua pro termino etc. ad instantiam Domini Willielmi Herle Militis.

The reason for this permission of absence was, probably, akin to the great cause which led to the withdrawing of so many of the clergy, upon leave of absence, from their respective incumbencies. The cause, as I have stated, was the ignorance and want of education among the nobility and gentry, which, while it rendered them unqualified to fill the

higher orders of the state, obliged the king to assign all offices of responsibility and trust demanding talents for their fulfilment, to learned clerks. Hence the special order which had appeared in the year 1315, directing, that "when clerks were occupied about the exchequer, they should not be bound to keep residence in their churches."

The encouragement thus given by the crown to the non-residence of the better educated description of clerks was not lost upon earls, barons, or even knights. In the present instance it would appear, that John de Claydon, by a leave of absence granted him, was absolved from his charge of looking after the spiritual concerns of his parishioners, with the view of filling some secular office for the convenience of William Herle, knight.

It may be conjectured that John de Claydon, who, through Thomas de Wyke, was inducted by proxy into the living of Manchester, was of a family dwelling in one of the central districts of England, as he appears to have possessed the manor of Woodheved [or Woodhead], not far from Magna Castreton, in the county of Rutland.

In the 7th of Edward the Third, we find the following deed in which John de Claydon meets with mention:—

*Sciatis &c. Nos Johannes de la Warre dominus de Mamcestria concessimus Ricardo Pfauc' et Cecilie uxori ejus unum dimidium burgagii quod jacet juxta manerium nostrum, &c. Hiis testibus Domino Johanne de Claidone persona Mamcestrie Willielmo de Sto Mauro Johanne de Salford Johanne de Hulton Henrico Doterind et aliis Datum Mamcestrie die domini proximo post festum Sancti Hillarii. 7 Edw. III.*—[From a communication by the Rev. F. R. Raines.]

John de Claydon is also recorded (at an unknown date) to have enfeoffed John la Warre, and Jane his wife, of his manor of Woodhead, to be held for their lives by the service of a ninth part of a knight's fee from Henry, Earl of Lancaster; remainder to John la Warre, their sons and heirs of his body; remainder to the right heirs of John, son of Roger la Warre, for ever.—[See *Escet* 21 Edw. III.]

### § 3. THE CLUNIAN MONASTERIES SEIZED INTO THE KING'S HANDS, AND RESTORED.

Edward the Third commenced his reign by manifesting decided opposition to the pretensions of the Roman see. He not only forbade the payment of Peter pence, which amounted to three hundred marks a year, but he also seized upon the revenues of alien monasteries. Among the different monastic establishments which, in the 4th of Edward

the Third (1330-1), were represented before the king in parliament, were those of the Cluniac rule, which, from their subjection to the head of the order in France, became seized into the king's hands as alien priories. Among these would be the cell of Kersall, belonging to the Cluniac abbey of Lenton, in Nottinghamshire.

It would appear, however, that, in consequence of a petition to parliament, some of these restrictions were subsequently removed, and the houses made denizen.

### § 4. THE INTRODUCTION OF FLEMISH MANUFACTORIES INTO MANCHESTER.

After the country had, in some degree, surmounted the effects of long and demoralising wars, Edward fixed his attention upon the internal state of the kingdom. Owing to his marriage with Philippa, daughter of the Earl of Hainault, the intercourse with the Netherlands had so much increased, that the monarch, from his connexions, had found little difficulty in inducing the woollen cloth weavers, the dyers, and fullers of Flanders, to come over and teach his subjects the mystery of a craft, whereby they had not only enriched their own country, but had obtained a manufacturing celebrity which was the admiration of the world:

*Quæ regio in terris vestri non plena laboris?*

Fortunately for the introduction of the industrial arts into England, a newer generation of yeomen was springing up, alienated from predatory pursuits, which had been chiefly caused by military habits acquired during long campaigns, in connexion with the irritation arising from divers abuses in church and state, which were no less odious to the king than to his subjects. The intelligence which the yeomen displayed, they, in part, owed to endowed schools and colleges, and when they betook themselves to occupations of trade as well as of agriculture, their extraordinary habits of diligence rendered them apt pupils of Flemish craftsmen sent over to England, through the encouragement given them by an enlightened monarch.

Fuller [in his *Ecclesiastical Dictionary*] adds; that when the king had gotten this treasury of foreigners, he "bestowed them thorow all parts of the land, that clothing thereby might be better dispersed."—"Happy the yeoman's house," he adds, "into which one of these Dutchmen did enter, bringing industry and wealth along with them. Such who came in strangers within doors, soon after went out bridegrooms and returned sons-in-law, having married the daughters of their land-lords who first entertained them. Yea, these

yeomen, in whose houses they harboured, soon preceded gentlemen, gaining great estate to themselves, arms and worship to their estates."

In the introduction of the Flemish manufactories into Lancashire, as well as other parts of the realm, it is stated, that the woollen trade took root in Manchester, and that it thence spread along the district rising over the Yorkshire hills to the west, and the mountainous region of Rossendale and Pendle to the north;—also that many Flemish emigrants settled at Rochdale and at Bolton.—[Baines's Lancashire, vol. ii, p. 241, and vol. iii, p. 56.]

Manchester and Salford had great occasion for this stimulus to trading industry. For, hitherto, these towns were regarded as so poor, that, in the tallies made for the Scottish wars, neither of these towns are mentioned in the returns to the king's exchequer.—[Baines's Lancashire, vol. i, p. 327.]

In connexion with this encouragement given to the kingdom, various national regulations, relative to free trading, bear the date of 1333.

#### § 5. THE NINTHS REQUIRED FROM THE PARISH OF MANCHESTER IN SUPPORT OF THE WARS.

We learn from the preface appended to the parliamentary records, entitled "*Nonarum inquisitiones in curia scaccarii temp. Regis Edwardi Tertii*," that, in a parliament held in the 14th of Edward the Third (1340), for the purpose of voting supplies for carrying on the wars of France and Scotland, there was granted to the sovereign the ninth lamb, the ninth fleece, and the ninth sheaf, to be exacted for the two years next to come, to which all cities and boroughs became amenable, while a remission was made in favour of foreign merchants not dwelling in cities or boroughs, who were assessed in their goods and moveables at no more than a fifteenth. Upon this occasion the clergy, without waiting to be taxed, came forward and granted a tenth of their produce, which was regulated agreeably to Pope Nicholas's valor of 1292.

In order to enforce this law of the ninths, an additional statute was passed in the year following, namely, the 15th of Edward the Third, by which three commissions were issued. Of these, the first charged certain persons with the assessment and sale of the ninths and fifteenths. By virtue of a second commission, the same assessors and venditors were authorised to assess the articles levied according to Pope Nicholas's valuation,—on which computation, the ninth of the corn, wool, and lambs, exigible in 1340, was considered as of equal worth with the tenth of such titheable

commodities as had been subjected to the actual levy of a tenth in the previous valor of 1292, named the "*verus valor*." By a third commission it was ordered, that, in case the value of the ninth should prove less than the taxation of Pope Nicholas's valor, there should be levied no more than the fair value of the ninth.

Agreeably to these instructions, the venditors and assessors, in their inquisition, took the oaths of parishioners, by which the true value of the ninth of corn, wool, and lambs was described, including such as belonged to abbeyes, priories, or to any other religious corporation;—the same being compared with the "*verus valor*," and the causes, if any, assigned, why the ninth did not amount to the sum of the former valuation. Of such causes, was the greater exposure of certain parishes in the north to the devastations of an invading enemy. But besides the valuation of corn, wool, and lambs, there was occasionally included other articles, of which was the Dose, or glebe of the church, the tithe of hay, &c.

This tax fell hard upon the clergy, who, having voluntarily consented to render themselves amenable to the ancient tax of the church, were now assessed and taxed to the ninth,—both assessments having been collected.

In the county of Lancaster, the assessors and venditors of the ninth of sheaves, lambs, and fleeces, consisted of the abbot of Furneys, Edmund de Neville, Richard de Houghton, and John de Radeclive. Of the result of the inquest which was made of the wapentake of Salford, the following is the report:—

#### WAPENTACHIUM DE SALFORD.

*Inquisitio Wapentachii de Salford capta apud Preston die Jovis proximo ante festum sancti Mathie Apostoli anno regis regni Regis Edwardi tertii à conquestu quinto decimo coram Abbate de Fournays et sociis suis ad inquirendum de vero valore nonarum et quintedecime per duos annos domino Regi concessarum in comitatu Lancastrie assignatis per sacramentum Johannis de Asseton Henrici de Trafford Henrici de Workeslegh Adame de Hulton Johannis de Hulton Roberti de Trafford Ricardi de Radclyf Johannis de Aynsworth Adame de Hepwood Adame de Leme Johannis de Heton Roberti de Pilkington Ricardi de Redithe Rogeri de Pylkyngton Johannis de Trafford et Rogeri de Westlegh. Qui jurati et requisiti per sacramentum suum de vero valore nonne garbarum vallerum et agnorum provenientium de singulis parochiis dicti wapentachii de primo anno dictorum duorum annorum et de ceteris quibusdam articulis tangentibus ipsam nonam ac de vero valore quintedecime partis bonorum mobilium mercatorum et aliorum hominum exceptione civitatum et burgorum de agricultura non viventium dicunt per sacramentum suum quod non sunt in dicto wapentachio aliqua civitas neque burgi nec mercatores seu alii homines qui de quintadecima debeant respondere Dicunt etiam quod sunt decem ecclesie parochiales in eodem wapentachio videlicet*

*ecclesiam de Mauncestre' de Middleton de Bury de Flixton de Radcliff de Assheton de Prestwiche de Bolton de Rochdale de Eccles.*

In this document, the ninths of the several parishes contained within the wapentake of Salford are stated at length. But, in confining ourselves to the assessment of the parish of Manchester, with which this history is exclusively concerned, it may be previously expedient to remark, that, in the verus valor of 1292, the church of Manchester was rated at £53 6s. 8d., or eighty marks.

The ninths of the year 1340 were, however, founded on an assessment reduced from eighty to about thirty-five and a half marks:—

**ECCLIESIA DE MAUNCESTR'.**

*Que taxatur ad iiij—xx m̄r [octaginta marcas] unde nona garbarum vallerum et agnorum parrochie ejusdem juxta verum valorem valet ix m̄r [novem marcas] unde villata de Mauncestre' res' de [respondere debet] xxij m̄r Salford cum Burghtown de [debet] liij Chetham de' x Hulme juxta Mauncestre' de' x Chorleton de' x Stretford de xlvij viii' Redwryche de liij iiiij'*

In the same document the assessment of Ashton parish is reduced from fifteen to eight marks:—

*Ecclesia de Assheton taxatur ad xv m̄r nona garbarum vallerum et agnorum parrochie ejusdem juxta verum valorem valet viii m̄r viii' x' de quibus Assheton res'.*

By a comparison of this estimate with that of the verus valor of Pope Nicholas, it will be evident that the ninth fell far short of what might have been expected. The cause of this defalcation is unexplained. It had less a reference to the devastations of Scottish invaders, than to the civil distractions of Lancashire, which for many years had interfered with the labours of the husbandman. With the assessment of the parishes of the wapentake of Salford, the commissioners were dissatisfied, and refused to accept the amount without the royal sanction:—

*Dicti jurati nullam causam assignare voluerunt quare dicta nona non attingit ad summas taxarum dictarum ecclesiarum ideo dicti Abbas et socii sui protestati sunt quod summas predictas juratas coram eos presentatos alio modo non acceptarent nisi quantum dominus Rex et ejus consilium eos duxerint acceptandas.*

**§ 6. THE DEANERY OF MANCHESTER IS SEPARATED FROM THAT OF BLACKBURN.**

In the verus valor of 1292 we learn, that the "decanatus de Mancester et Blackburn" comprised the following ten parishes:—Manchester, Eccles, Prestwich, Bury, Middleton, Rochdale, Ashton, Flixton, Blackburn, and Whalley.

Four years afterwards, the monastery of Stan-jawe was removed to Whalley, one consequence of which was, the separation of the churches contained within the wapentake of Blackburn from

those of the deanery of Manchester,—which deanery henceforth comprised no churches except those to be found within the wapentake of Salford.

Thus, while the churches of Whalley and Blackburn were withdrawn from the Manchester deanery, they formed, along with the church of Rybbcestr' and the church of Chypyn, the assemblage appertaining to the ecclesiastical jurisdiction of Blackburn, which, in 1340, became subject to the assessment of the ninths.

Upon the latter occasion we also learn, that the deanery of Manchester comprised the following ten churches, viz., of Manchester, Middleton, Bury, Flixton, Radcliffe, Assheton, Prestwich, Bolton, Rochdale, and Eccles, and that the two parishes which, in the place of Blackburn and Whalley, were admitted within the Manchester deced, were those of Radcliff and Bolton.

**§ 7. JOHN, SON OF JOHN LA WARRE, BARON OF MANCHESTER, PREDECEASES HIS FATHER.**

John, son of John la Warre, baron of Manchester, in the 18th of Edward the Third, A.D. 1339-40, predeceased his father. He had married Margaret, daughter of Sir Robert de Holland, who founded the priory of Benedictine monks at Holland, in the parish of Wigan.—[Gregson's Lancashire, p. 195.]

After his death certain manors in Northampton, Salop, Hereford, and Sussex, including Isefield, which had been settled upon him by the father, reverted to the granter.

John la Warre, the younger, left for issue Roger la Warre, who, a little before his father's death, had been married to Elizabeth, daughter of Adam, the third Baron de Welles, by whom he had a son named John, who would be a great-grandson of the present baron.

The other issue of John la Warre, the younger, were,—  
John, a second son, afterwards Sir John de Bokhampton, Berks, which he held by sergeantry in keeping the king's harriers, &c. He died 28th of Edward the Third without issue, leaving his estates to his brother.  
Thirdly, Catherine, married to Sir Warine Latimer, Lord Latimer, of Braybrooke.

**§ 8. THE MILITARY EXPLOITS OF JOHN LA WARRE, BARON OF MANCHESTER.**

On the 13th of June, 1340, John la Warre accompanied the fleet of two hundred and fifty sail of ships, commanded by the king in person, when he met with the enemy's navy in the harbour of Sluys. This was the most gallant fight ever known in those seas, giving a fatal blow to the French navy. The English archers were the most conspicuous in the fight.

In 1342, the baron of Manchester bore a part

in the fruitless campaign which Edward undertook against the French, who were the allies of Scotland. The siege of Nantes, in which John la Warre aided, was changed into a blockade. The two armies wintered near each other without risking any general engagement, until, through the mediation of Pope Clement the Sixth, a truce was agreed upon.

§ 9. GENERAL STATE OF RURAL DEANERIES IN THE YEAR 1342.

In consequence of the introduction of functionaries superior to rural deans, particularly of archdeacons, to overrule the secular and spiritual concerns of each decanate, the office of the rural dean was still farther declining. "In ordinary deaneries," remarks Mr. Danson, "the respective archdeacons had so cramped the authority of rural deans, that there was no great solemnity in appointing men to execute the declining office, commonly bestowed by verbal nomination and tradition of the seal."

It has been also remarked, by the same author, that at this time, A.D. 1342, so ill were the deanery sessions supported, that when they were convened, but feeble exertions were made to find entertainment for the dean and his retinue, whence the decree of Archbishop Stratford, that "all chapters, for the future, should be celebrated in the more eminent places of the jurisdictions and deaneries, or, at least, where victuals might be purchased by all; and that officials and other ministers of the deans, at such celebrations, and all other acts which they exercised instead of their principals (as inquests on the vacancies of benefices), should perform what concerned them at the expense of such of their principals."—[*Horræ Dec. Rur.*, vol. ii, p. 13.]

To a certain degree, however, as I have before noticed, the deaneries contained within the archdeaconry of Chester, among which was that of Manchester, exhibited a far less declining state of authority and influence. While in most dioceses a great complaint was made not only of the moral irregularities of the dean rural, but even of the apparitor, who was named "*animal tantum rationale*" [*Horræ Dec. Rur.*, vol. i, p. 384-5], a salutary custom prevailed in the archdeaconry of Chester, that the office of apparitor should not be exercised but by virtue of a distinct patent.

§ 10. THE CHAPLAINS OF MANCHESTER, A.D. 1342.

John de Claydon was rector of Manchester at this time. In 1342, "Robert de Chalomber," according to Hollinworth, "passed certain lands in

the Denesgate, in the parsonage of Manchester, to John, son of John de Strangeways, for twenty pence yearly to be paid to the rector. Witnesses John Wakerley, John de Hulton, Richard of the Milnegate, chaplain."

But besides this information, "*wee read*," adds the same writer, "that Richard Braybon [probably Richard of the Milnegate], Adam Longholt, Robert Bibby, and John de Battersby, were chaplains."

§ 11. THE TEMPORAL POWER IS STILL FARTHER ENCREACHING UPON THE SPIRITUAL POWER, A.D. 1343-4.

Clement the Sixth, by a papal provision, had nominated two cardinals to the next vacant benefices, not bishoprics, or abbacies, which should be of the yearly value of two thousand marks. The spirit of the nation was roused. The king was so exasperated, that the cardinals' agents were admonished to leave the kingdom, or, otherwise, they would be imprisoned. Supported by the lords and commons, he also remonstrated, that papal provisions were contrary to the ancient laws and customs of England, whereby it had been provided, that bishops or abbots should obtain their dignities by the election of chapters. The pope, in reply, urged custom against custom, and demanded satisfaction for the insult offered to the two cardinals.

In conclusion, an act was passed, A.D. 1343, forbidding any person, under pain of forfeiture, to bring or receive bulls, reservations, or other letters, or to accept or execute provisions contrary to the rights of the king, and to the liberties and welfare of the people; and commanding all clerks and others, who, by virtue of such letters, should presume to bring actions against either the patrons of benefices or their presentees, to be arrested as offenders, and submitted to the judgment of the king's councils. In the following year, A.D. 1344, this statute was confirmed, and the penalty of outlawry, perpetual imprisonment, or abjuration of the realm, was adjudged against any provisor, procurator, executor, or other, who should venture to appeal to Rome from the decisions of the king's courts.—[*Dodd's Church History*, edited by Tierney, vol. i, p. 140-3.]

While this dispute was going on, other contentions took place, occasioned by Edward the Third having levied great taxes from the clergy, which were resisted on the plea, that they were an infringement of the statutes of Magna Charta. The king also laid various restraints on ecclesiastical courts, as that no one should suffer any punishment from them, except in the place which he inhabited.

## § 12. THE GALLANT EXPLOITS OF JOHN LA WARRE.

In 1346, John la Warre was present at the battle of Cressy. In the plan of the engagement concerted by the Count of Alençon, which had the further aid of thirty-one squadrons of French and German knights, the division of the Prince of Wales formed the chief object of the enemy's attack. John la Warre served in the first division of the forces, commanded by the prince himself, which comprised lords, knights, and esquires, to the number of eight hundred, four thousand archers, and six thousand valiant Welshmen.

## § 13. DEMISE OF JOHN LA WARRE.

John la Warre died, at an advanced age, on the eve of Ascension, in the 21st of Edward the Third (1347), soon after the glorious share which he bore in the victory of Cressy. He had been various times summoned to the councils of the Edwards, Second and Third.

He was found seized of the manors of Manchester and Keurdley, in the county of Lancaster, jointly with Joan his wife, by virtue of a feoffment of Thomas Greslet, brother to Joan, whose heir she was. He was likewise seized of manors in Northampton, Leicester, Rutland, Lincoln, and Sussex, with remainder to Roger la Warre, his grandson, and Elizabeth, wife to the said Roger.

Lastly, in an inquisition taken on the eve of the Holy Trinity, 21st of Edward the Third (1347), it was found, that John la Warre held nothing of the king in capite, but that he possessed, jointly with Jane his wife, the manor of Woodheved, with which he had been enfeoffed by John de Claydon, rector of Manchester.—[See page 97.]

It is worthy of remark, that in the 9th of Edward the Third, Sir John de Ashton had obtained a charter for a free warren in Ashton. This grant must have added to the complex state of the manor, which was held as a subinfeudation under the Kirkbys from Manchester, while the patronage of the church of Ashton still belonged to the La Warres.

The arms of John la Warre have been described as gules, crusely, fitchet, argent, a lion rampant of the last.

Coincident with the demise of John la Warre, an important event took place in the Honour of Lancaster. Twelve years previously, by virtue of an act which had passed for reversing the attainder of Thomas, Earl of Lancaster, Henry, the surviving brother, succeeded to certain of the lands and lordships which had been seized, all of which, in possession of the crown, were awarded to him on the death of Alice, wife of the late earl.

He died in 1345, leaving a son and heir, Henry, who was created Duke of Lancaster, with power to have a chancery in the county, to issue out writs under his own seal, which extended to pleas of the crown, as well as to enjoy all other liberties and regalities belonging to the county palatine. From his liberality, he was named "The Good Duke of Lancaster."—[Baines's Lancashire, vol. i, p. 134, 137, 140.]

## CHAPTER III.

## EVENTS DURING THE SWAY OF ROGER LA WARRE, THE TENTH BARON OF MANCHESTER.

In the 23rd of Edward the Third (1349-50), Roger la Warre, heir to his grandfather, did homage, and had livery of all the possessions which Margaret, his mother, held in demesne. Among the parcels of land enumerated, which are said to have been formerly held by Thomas de Grely, are mentioned Withington, Worthington, Heton-subtus-Horwich, the manor of Stanyng, from the Duke of Lancaster, held by the abbot of Whalley, and Charnock.—[Baines's Lancashire, vol. iv, p. 762.]

## § 1. THE APPEARANCE OF WYCLIFFE.

A most important crisis in the English church now requires to be recorded, which was indicated by the appearance of Wycliffe, the first great apostle of reform.

Wycliffe lived during a period when the inquiry had commenced,—if the ecclesiastical establishment of England, under its then existing state, was capable of administering to the new wants, or exigencies, of more enlightened times, or, in other words, to a more advanced state of civilization? A greatly improved condition of social order was demanded, as commensurate with the high calling, or destiny of man, in this world, and in that which is to come.

But before such an inquiry could be made,—before reason was enabled to proclaim that holy church had failed in assisting the tendencies of human nature towards the fulfilment of its exalted hopes,—powerful excitements were demanded, equal to the effect of awakening in the soul sentiments which for centuries had reposed.

The excitements capable of giving rise to the utterance of human thought long suppressed, were the corruptions which everywhere prevailed in the church. These were, at the time, so great and so manifold, that discontent could no longer be subdued. And thus it happened, that a dispute, comparatively trivial, was the spark with which the



inflammable materials of a long-smothered hatred against all orders of the church, were doomed to be kindled.

In adjudging the occasion which introduced Wycliffe to the admiration of his country, to have been, in itself, of trifling moment, no misapprehension can well subsist. Of what importance could it be to the nation at large, that the friars had set up a claim to graduate at the university of Oxford without complying with its statutes,—or that Wycliffe, who had been appointed to supersede a monk in the wardenship of a hall at Oxford, was, by a decree of the pontiff in favour of the monkish claim, considered as ineligible;—or even that, when he first raised his voice in exposing the crimes as well as the usurped privileges of his opponents, he was actuated by motives of personal resentment. These were not the circumstances with which the nation at large could be interested, or which actually recommended the great apostle of reform to the favour of his countrymen.

Wycliffe did not, at first, avowedly question any established doctrines. He was imperceptibly led to doubts of this kind in his interrogation,—why the existing tenets of the church appeared inadequate to the sublime object of aiding in the high destiny of the human race, to which all the faculties and instinctive cravings of the soul were tending, as to its universal good? Wycliffe commenced the inquiry not as a demagogue, addressing himself to the vulgar, but as a philosopher, whose prelections were submitted to erudite members of the university of Oxford. He appeared as an inquirer, who, from the deepest mental or intellectual sources, could call forth elementary principles, such as reason evolved to give aid to observation, but as these were more or less connected with the metaphysical dogmas of the church, hence resulted his treatises, *de temporis quidditate*,—*de amplificatione*,—on the essence of accidents,—on rarity and density,—on matter and form,—*de necessitate futurorum*,—or on the immortal soul itself. In logic, he enlightened his disciples with disquisitions on truth and falsehood, on the sources of error, on the stray wanderings of the soul, on the art of sophistry, on the impediments of discourse, or on the nature of faith.

After Wycliffe had thus secured to himself the attention of learned hearers, he took them a step further, and after denouncing the tenth century as an age when gross darkness and error began to prevail, he invalidated all the writings of the fathers which dated from this period.

These formidable problems Wycliffe undertook to resolve by the aid of metaphysics, logic, moral philosophy, and the theology of the schoolmen.

At first he had no desire to destroy prevailing dogmas, nor to change the ideas of the people. He only wished to find in consecrated doctrines something true which faith might receive as legitimate,—which, when rescued from darkening fallacies to its full development, might satisfy the wants of the age.

## § 2. THE STATUTE OF PROVISOIRS.

Another important feature of this advancing state of society consisted in the acts of parliament, which were framed with the view of counteracting the interference of the Roman see with the rights of patrons.

One of these statutes, important in the history of the church patronage of Manchester, demands a particular attention.

The appeals of the people called for a new enactment against papal provisions. They demanded that all forestalling should cease, and that elections, presentments, and collations of benefices, should stand in right of the crown, or of his majesty's subjects, as had formerly been enjoyed.

An act was therefore passed in the 25th of Edward the Third (1351-2), in which, after adverting to the principle that the church of England was founded in prelacy, it was complained that the bishop of Rome, by procurement of clerks, and otherwise, had reserved to his collation generally all dignities and benefices of England, and that he had given the same as well to aliens as to denizens:—that he had taken of all such benefices the first fruits, and many other profits, and that a great part of the treasure thus carried away was dispended out of the realm by the purchasers of such benefices: also, that many clerks who had been advanced by their true patrons, and had peaceably holden their advancements by long time, were suddenly put out. The commons, therefore, prayed the king, that in reference to the mischiefs and damages which happened to his realm, he ought, and was bound by his oath, to make law.

It was accordingly (among other things) ordained, that free elections of all dignities and benefices should hold in the same manner as granted by the king's progenitors, and the ancestors of other lords, founders of dignities and other benefices: And if collation, reservation, or provision should be made by the court of Rome of any benefice which might be of the advowry of the people, whereof the king should be advowee paramount immediate, the king and his heirs should have the presentment, or collation, for the time specified:—And, in the same manner, every other lord should have the collation, or presentment, to benefices:—And if such advowees should not present to such benefices within

half a year after the voidances, and the bishop of the place should not give the same, then, by lapse of time, the king should have the presentment and collations, as of his own advowry.

The act then declares the penalties to which provisors were liable: If presentees were disturbed by provisors of the court of Rome, so that they had not possession of their benefices, the said provisors, their procurators, executors, and notaries, were to be attached by their body, and brought in to answer, and, if convicted, were to abide in prison without fail, until they had made fine and ransom to the king at his will, and submitted to the aggrieved party that they would make full renunciation, and find sufficient surety that they would not sue any process in the court of Rome for any such imprisonments, or renunciations, or any other thing dependent on the same.—[Dodd's Church History, edited by Tierney, vol. i, p. 335-9, Appendix.]

Yet this act was very far from being strictly put into execution. Very long afterwards, even to the time of the Reformation, the pope was not unfrequently complimented with the privilege of nominating his friends to ecclesiastical dignities. And hence we find that Wycliffe deemed it expedient, during the whole extent of his apostolic labours, to expose the pernicious effects which resulted from papal provisions in impairing the efficiency of the parochial clergy. According to the exposure and denunciation of this fearless reformer, the clerk who might become the object of the papal patronage and provision, would be the most active in collecting the revenues for the holy see, such as the first fruits, Peter pence, &c., by all the coercive means which laws ecclesiastical allowed. "This collector of pence," as the reformer describes him, "is one who can neither read nor understand a word in his psalter, nor repeat the commandments of God, who bringeth forth a bit of lead, and, upon this false bribe in striving, pleading, and cursing for tithes and other temporal profits, will incur costs and labour, and often fight and get fees, and go to Rome bearing much gold out of our land to aliens and enemies.—Such a clerk is presented to a benefice, in opposition to the doom of God and of manifest experience, that he is able to govern many souls."

### § 3. AGAINST SUING IN A FOREIGN REALM.

The statute of provisors was followed up two years afterwards by a statute of premunire, against suing in a foreign realm. No one was to be drawn out of the realm to answer of things whereof the cognizance pertained to the king's court. Those who sued in any other court to defeat or impeach the judgments given in the king's

court, were, after due warning, to be made to answer in their proper persons to the king and his justiciaries of the contempt done in this behalf. If they did not come at the day to be at the law, they, their procurators, attorneys, executors, notaries, and maintainers, were to be put out of the king's protection, their lands, goods, and chattels, forfeited to the king, and their bodies to be taken, imprisoned, and ransomed at the king's will. And if, upon a writ being made, it was returned that they were not to be found, in this case they were to be put in exigent, and outlawed.—[Dodd's Church History, edited by Tierney, vol. i, p. 339, Appendix.]

It is needless to repeat, that the statutes of provisors and of premunire formed the two first direct attacks which were aimed at the papal supremacy.

This act of premunire, however, was perhaps less productive of the effects which it had in view than the act of provisors, which it was meant to strengthen. All the eloquence of Wycliffe was, therefore, employed to impart to it efficiency. "The proud priest of Rome," he observed, "getteth images of Peter and Paul in his lead and would have Christian men to believe that all which the bulls thus sealed, speak, is done by their authority and that of Christ. And thus, as far as he may, he maketh that which is false to be the work of Peter, and Paul, and Christ, and in this would make them false. And by means of this blasphemy he robbeth Christendom of faith, and good life, and worldly goods."—[Vaughan's Wycliffe, vol. ii, p. 306.]

### § 4. THE ABUSES OF PATRONAGE FROM SPIRITUAL AND LAY PATRONS.

Were I to enter into an explanation of all the ecclesiastical abuses which were discussed during the mission of Wycliffe, the field of digression would be far too extensive. There existed, however, one great cause of disorder which cannot be overlooked, as it will be found to particularly connect itself with this local history:—I allude to the abuses of church patronage, not resulting from the unwarrantable invasion of the rights of patrons by the papal see, but as emanating from the unfettered and voluntary dispensations of benefices by patrons themselves, whether spiritual or lay.

In a most curious and instructive treatise of John Wycliffe, entitled, "Why many priests have no benefices," the reformer exposes, 1st, The mode in which prelates exercised their patronage;—and 2dly, The mode in which it was exercised by lay patrons.

And, first, of the patronage of prelates.—Many livings were at the gift of bishops whom Wycliffe charges with flagrant acts of simony. "Curates upon institution and induction," he remarks, "shall give much of their living and poor men's goods to bishops' officers, and deacons, and officials, who are too rich." He accuses prelates of taking the first fruits, or other pensions, from curates, or, in lieu of their preaching the gospel and visiting and comforting poor men, of holding them in their courts and chapels. He also censures the obligations imposed upon curates to feast their bishops and their officers richly upon occasions of visitation, and to give them procuracy,—that is, necessary victuals for the visitor and his attendants, which were afterwards commuted into money paid yearly,—as well as to give synage, which was the ancient tribute in money paid to the bishop, or archdeacon, at the Easter visitations.

"From these causes," adds Wycliffe, "prelates become so worldly, that they are in no condition to reprove the worldliness of others. They do not preach the gospel, nor do they visit and comfort poor men. And, on the other hand, curates, by requisition from the ordinaries, summon poor men from day to day from far places to farther, and curse them for the sake of Antichrist's clerks, or for fear of being held to destroy the jurisdiction, power, and winning of prelates. They also get no leave from bishops to learn God's law, and teach their parishioners the gospel, except for gold, and even then, when about to profit by their labours, they are ordered home at the prelate's will, whence the peril of spending poor men's goods."—"And certes," adds the reformer, in the most bitter and acrimonious terms imaginable, "it is a great wonder that God sufficeth so long this sin unpunished, namely, of prelates' courts, that ben dens of thieves and larders of hell, and so of their officers that bin sotil of malice and covetise."

If I have reluctantly quoted the exact words used by Wycliffe in writing of bishops' courts, it has been with no other view than to express my opinion, that while sheriffs' tourns, in their iniquitous perversions of civil jurisdiction, led to the most dangerous disaffection in the state, the avaricious and vindictive spirit of episcopal courts was no less prejudicial to the best interests of holy church. How expressively is the popular indignation on this head illustrated in the ancient ballad of Robin Hood, which, while it upholds the thrifty and oppressed husbandman, as well as all good yeomen, knights, and squires, places in the same category with the "proud sheriff of Nottingham" all bishops and archbishops:—

But loke ye do no housebonde harm  
That tylleth with his plough :

No more ye shall no good yeman  
That walketh by grene wode shawe,  
Ne no knight ne no squyer,  
That wolde be a good felawe.

These byshopes and these archbishoppes  
Ye shall them bete and bynde,  
The hye sheryfe of Notyngghame  
Hym holde in your mynde.

In the second place, Wycliffe, in his treatise "Why many priests have no benefices," exposes the mode in which benefices are distributed by lay patrons. In censuring a very common practice of his time, he makes a charge against lay patrons for retaining such as they present to benefices in some worldly office, and providing for them illiterate substitutes. He exhorts patrons to earnestly separate all churchmen from the anxieties of secular offices, and from the snares of wealth; and he condemns such curates as crouch in lords' courts, in order to get more fat benefices. Nor do they, as he adds, purpose speedily to do their ghostly, or spiritual office.

Another charge made against lay patrons, was for allowing themselves to be treated by the objects of their patronage. "Our priests," says Wycliffe, "are required to feast rich persons and vicars. Many times patrons will look to be feasted of by curates, who thus spend their tithes and offerings upon rich and idle men. If they do not when beneficed make great feasts to rich persons and vicars costly and gaily arrayed, they are hayned on as hounds, and each man is ready to peire them in name and worldly goods."

In the next place, Wycliffe exposes female influence in the dispensation of patronage. "A lord, in order to conceal his simony, will not take gold for himself, but will receive kindness for the lady, or a palfrey, or a tun of wine. Some ladies will also find means to have a dancer presented, or a tripper on tapits, or a hunter, or a hawker, or a wild player of summer gambols."

Such were the patrons, spiritual and lay, against whom Wycliffe levelled his attack, and in referring the whole of the obnoxious dispensation of benefices to a spirit of avarice, he defined simony, as consisting in extortions of money, being the price of discharging any spiritual functions, as well as in the purchase of the livings of the church. At the same time he insisted, that the cursed heresy of simony ought to be destroyed in benefices, orders, sacraments, and pardons. The reformer then boldly stated, that, despite of ordinaries, curates

gave mede, or hire, to come into worldly offices, and to get lordship and maintenance. He, lastly, denounced such confessors as winked at simony, by not warning prelates and lords of their great peril in holding curates in their worldly office, and for not requiring from them repentance and satisfaction for living in sin and treachery against God and his people.—[See Wycliffe's treatise "Why many priests have no benefices," as published in Gilpin's lives of "John Wickliff and the most eminent of his disciples," 1785, p. 88-101.]

Wycliffe, in the course of his various writings, considers, that the evils which he describes might meet with a remedy from the interference of the state. His recommendation is to the following effect:—"Let the parochial boundaries in the ecclesiastical state remain. Let the present system of patronage continue undisturbed. Let what is solicited from the magistrate be simply protection, and to meet the evils arising from the withholding of public pastors from the established cures."—[Dr. Vaughan's Wycliffe, vol. ii, p. 301.]

#### § 5. THOMAS DE RODEFORD, RECTOR OF ASHTON.

In Vernon's extracts from the Lichfield registers there is the following entry:—

| Time of Presentation. | Rector.   | Patron.                                      | Cause of Vacancy. |
|-----------------------|---|--|-------------------|
| 1261.                 | Thomas de Rodeford Cap<br>Dispensatio in obsc.<br>Thome Holland Mil.<br>publennium. | Johanna que<br>fuit uxor Jo.<br>le Ware Mil. | .....             |

Regarding the right of presentation conceded to the wife of the late baron, John la Warre, it was remarked by Glanville (A.D. 1180), that if a church was founded, the wife should, after the death of her husband, have the free presentation, so that, in the case of a vacancy, she should give it to a proper clerk. "But," it was added, "she cannot give it to a college, for by that she would take away the right of the heir himself for ever." Upon this latter clause it was remarked by Messrs. Merewether and Stephens, that Glanville had anticipated the later enactment of the law of mortmain.

#### § 6. THOMAS DE WYKE, RECTOR OF MANCHESTER.

In the extracts from the Lichfield cartulary, the following entry appears:—

p. 160. b. citing fol. 129.  
1261. 21 Edw. III. Manestre. 11 Kal Septembris. Thomas de Wyke, post mortem Johannis de Claydon, ultimi Rectoris.  
Patr. Johanna que fuit uxor Domini Johannis le Ware, Domini de Manchester.

Of the family of Thomas de Wyke nothing is, perhaps, known. From many circumstances occurring in the course of this history, there is reason to suspect that he had been a retainer in the

family of John la Warre, being styled "attornatus suus." The records in which his name appears certainly prove that he was more employed in the manorial than in the spiritual affairs of the barony, and that he likewise held a confidential situation under Roger la Warre. It is also worthy of remark, that, at a period ten years later than the induction of Thomas de Wyke into the living of Manchester, we find it noted, that a "Thomas, the son of Thomas del Wyke," was presented to the living of Ashton. Now, unless there had been a third individual of this name, which no record extant has yet shewn, Thomas de Wyke, the father, must have been a widower at the time when he accepted the incumbency of Manchester. That the son was illegitimate is out of the question, as the canons of the church refused ordination to the natural sons of the clergy.—[See page 109.]

But whether the supposition is admissible or not, that Thomas de Wyke held some secular office in the household of Roger la Warre at the time when he was made rector, it is at least certain, that he formed no exception whatever to the succession of Manchester rectors, whose habitual absence from their charge, and employment of stipendiary and remote substitutes, gave rise, on the part of the parishioners, to the most bitter accents of complaint.

Wycliffe, a cotemporary of Thomas de Wyke, was the first, in the course of his agitation for reform, to denounce all lay patrons whatever for their custom of retaining such as they presented to benefices in some worldly office, and providing for them illiterate substitutes. The lords, he observes, will hold their curates in some worldly office, suffering the wolves of hell to strangle men's souls, so that they have their office done for nought, and their chapels holden up for vain glory, or hypocrisy. "And yet," as the reformer adds, "they wolen not present a clerk able of God's law, and of good life, and holy ensample to the people, but a kitchen-clerk [clerk of the household], or a penny-clerk [clerk of the mint], or one wise in building castles [an architect] or other worldly doing, tho he kun not read his sauter, and knoweth not the commandments of God, ne sacraments of holy church."—[From the treatise of John Wycliffe, "Why many priests have no benefices."]

Upon the present occasion, however, it is impossible to say to what extent Thomas del Wyke would fall under the censure of Wycliffe; for which reason we must pause before his memory falls into farther condemnation.

In justice to his patroness, the Lady Johanna, widow of John la Warre and surviving sister and heir of Thomas Greslet, it is only fair to add, that

if the education of Thomas de Wyke had not previously been that of a theologian, we can readily understand why, on the occasion of his institution, she procured him a license for study (*licencia de studendo*), through the medium of the bishop of Lichfield. Any ignorance of the psalter, of the Divine laws, or of the sacraments of holy church, would thus be obviated. This is shewn in another entry relative to Thomas de Wyke, which, in the copy by Holmes, bears the date of 1332. But it is evident that 1352 must have been meant. The words are as follows:—

P. 157.  
1332. 5 Nov Octobris. Thomas de Wyke Capellanus, Rector  
ecclesie de Manchester. Licentia de Studendo.

#### § 7. THE PESTILENCE OF 1352.

Hollinworth states, that “anno 1352, a commission was granted by the bishop of Lichfield for the dedication of the chapel-yard of Didsbury, within the parish of Manchester, for the burial of such as died of the pestilence in that hamlet, and in neighbouring hamlets, in the chapel-yard there, because of their distance from the parish church of Manchester.”

The date of this pestilence is three years later than that of the “first and great pestilence,” which extended from the 31st of May to the 29th of September, 1349. Supposing that Hollinworth is correct in his history, it is a curious circumstance, that, in the history of the epidemic, it should have visited Manchester in 1352, instead of three years previously.

In the vicinity of Stretford and the adjoining hamlet, named “Cross Street,” a few stones may be found, named “plague stones.” But a great uncertainty subsists on the question of their true origin. They have been described in this history as nothing more than the remains of stone crosses, originally planted as meters of the depth of the waters, when the low tract of land, in which they appear, was flooded over by the sudden rise of the waters of the Mersey and Irwell. The name which these crosses acquired of “plague stones,” is of a much later date. There is a tradition, that they were in use when a sort of cordon encompassed Manchester, for the purpose of cutting off all communication with the town and the surrounding villages, except for the purchase of provisions from the country people. Now, as every town in England was encompassed with crosses, severally planted at each avenue leading to its church, or churches, the sites of such crosses would be selected as convenient trafficking places, intended to impart sanctity to the engagements of sellers and buyers, similar to the religious influence which a regular market cross

was accustomed to exert over the consciences of the faithful.

It is remarkable, that even during Protestant times, these crosses, notwithstanding their great state of mutilation, continued to suggest convenient sites for traffic when the town of Manchester was visited with the later plague of the reign of James the First.

To this curious fact I shall allude hereafter.

#### § 8. THE GALLANTRY OF ROGER LA WARRE AT THE BATTLE OF POICTIERS.

The battle of Poitiers took place in the 30th of Edward the Third, September 19th, 1356.

The Duke of Lancaster was one of the great heroes of the day. He had of his own retinue on the field eight hundred men-at-arms, two thousand archers, and thirty banners, whom he hospitably maintained at the rate of one hundred pounds a day. He is said to have expended, in the wars which gave rise to the victories of Cressy and Poitiers, a sum amounting to seventeen thousand pounds sterling, besides the pay which he had from the king.—[Baines, vol. i, p. 137.]

For the honour of taking John, King of France, Roger la Warre was one of the competitors.

The French monarch had yielded to Sir Dennis Morbec, a knight of Artois, in the English service, but being afterwards forced from him, more than ten knights and esquires challenged the taking of the king, among whom Sir Roger la Warre and John de Pelham were the most concerned. In memory of so signal an action, and the king surrendering his sword to them, the Lord la Warre had the crampet, or chape, of his sword for a badge of that honour:—“a crampet, or.”—[Collins's Peerage, vol. ii, p. 88, and vol. vi, p. 176; and Leigh's Accidence of Armory, 1576, fol. 51.]

#### § 9. THE SECOND MARRIAGE OF ROGER LA WARRE.

Roger la Warre had married, for his first wife, Elizabeth, daughter of Adam, the third Baron de Welles, by whom he had issue John la Warre, born before the year 1339, and Thomas la Warre, afterwards a priest in holy orders, who, late in life, founded the college of Manchester.

The date of the demise of Roger la Warre's first wife is as uncertain as that of his second marriage with Eleanor, or Alionora, daughter of John, Lord Moubray, described as son and heir of John by Joan his wife,—which Joan was second daughter of Henry Plantagenet, Earl of Lancaster, who was grandson of Henry the Third, King of England.

In the eighth year of the duchy of Lancaster

(1359-60), there were divers fines for writs de conventionibus, &c., concerning lands in Mamcestre manor and the advowsons of the churches of Mamcestre and Assheton, Penhulton in Salfordshire, &c., the nature and object of which are unknown to us. Some fines of an early date are also said to have been preserved in the Chapter House Record Office, relating to lands and messuages in the manor of Assheton.

It is lastly stated, that a final agreement was made in the duke's court at Preston between Roger la Warre, knight, and Alionora, plaintiffs, and John la Warre, knight [the son of Roger's first marriage], and John Wyke, deforceors, or deforceants, of the manor of Manchester and the advowsons of the churches of Manchester and Ashton.—[See Records of the Duchy, and Kuerden's MSS., &c., as quoted by Baines, vol. i, p. 347, and vol. ii, p. 190, 193, and 535.]

We know nothing more of these law pleas than is contained in the following brief notice, which I have endeavoured to amend from a rather inaccurate copy published in the History of Lancashire, vol. ii, p. 190.

*Hec est finalis concordia facta in curia Domini Ducis apud Preston die Lune in crastino Sancte Marie Magdalene anno Ducatus Henrici Ducis Lancastrie octavo coram Thoma de Seton Henrico de Haydoke Johanne Cokayne et Rogero de Faryngton Justiciario et aliis Domini Ducis fidelibus tunc ibi presentibus. Inter Rogerum la Warre chiualer et Alionoram uxorem ejus querentes, et Johannem la Warre chiualer et Johannem Wyke deforciantes de manerio de Mamcestre cum pertinentibus et de aduocacionibus ecclesiarum de Mamcestre et Ashton Vnde placitum conuencionis summatum fuit inter eos in eadem curia Scilicet quod predictus Rogerus recognoscat predictum manerium cum pertinentibus et aduocaciones predictas esse jus ipsius Johannis la Warre vt illa que ijdem Johannes et Johannes de Wyke habent de dono predicti Rogeri Et pro hac recognitione fine et concordia ijdem Johannes et Johannes concesserunt predictis Rogero et Alionore predictum manerium cum pertinentibus et aduocaciones predictas Et illa eis reddiderunt in eadem curia habenda et tenenda ejedem Rogero et Alionore et heredibus ipsius Rogeri de capitalibus Dominis [feodi] illius per seruicia que ad predictum manerium et aduocaciones pertinent imperpetuum.*

#### LANCASTRIE.

What this plea can exactly mean, it is difficult to say. John la Warre and John de Wyke, probably a kinsman of Thomas de Wyke, rector of Manchester, are introduced to us as deforceors, or deforceants of the manor of Manchester, and of the advowsons of the churches of Mamcestre and Ashton. Now, according to lawyers, a deforcement (deforciammentum), is a term used when any one is cast out of his lands or possessions by force,—or, it is a withholding of lands or tenements by force from a right owner:—while a deforcior, or deforciant, is one who overcomes and casts forth

by force and violence,—or who holds out against the right heir,—or who enters forcibly into the possession of a property before the law has decided his right therein.—[See Jacob's Law Dict.: In voce deforcement.]

In keeping these definitions in view, I shall,—with the assistance of a friend more conversant with the imaginary processes of ancient law courts relative to tenure, than I profess to be myself,—attempt to divest this suit of some part of its mystery:—

The effect of this instrument, so far as it affects the rights of Alionora la Warre, would be to give to her, in case she should survive her husband, a life estate in the whole of the hereditaments, in lieu of a life estate in a third part only, to which she would have been entitled as her dower at common law. And, in consideration of this gift, she probably, by some other fine, released other lands and hereditaments of Roger la Warre (mayhap in some other county), from her right of dower.

#### § 10. THE PRIVILEGES OF MANCHESTER AS A FREE BOROUGH ARE DISPUTED.

Henry, Duke of Lancaster, was a munificent prince, by whom the monastery and the parish church were alike endowed. The possessions which he held in the hundred of Salford were very great, and he was jealous of any infringement upon his influence, or power, particularly by his neighbour, the baron of Manchester. West Derby manor, and Salford manor, with the annexations of divers feuda were held by him as from the honour of Tuttebury, viz.:—Childwall, Burghton, Barton in Salfordshire, Asphull, Brokholes, Dalton, Parbold, Withington, Lostock, Rumworth, Pilkington, Worthington, Heton-subtus-Horwich, Tildesley, and Barton.—Other possessions adjoining the barony of Manchester, and apparently unconnected with the honour of Tuttebury, were Great Penhulton [Pendleton?], Great Merley, Bury, Middleton, and Penhulton in Salfordshire. There was also ascribed to him lands at Flixton, Tildsley, and Bedford.

When Henry, Duke of Lancaster, had the territories of a petty sovereign conceded to him, he seems to have been actuated with the wish to suppress many local courts of jurisdiction, which had infringed upon the sphere of jurisdiction enjoyed by him in the hundred of Salford, as well as in other parts of the Honour of Lancaster. With these ambitious views, his attention was particularly directed to the newly-created portemanmote of Manchester, and to the necessity of limiting the privileges of the baronial court of Roger la Warre.

In the creation of a newer court of justice for the burgesses of Manchester, a great question had certainly been overlooked.

It had been inferred, from a regulation of Edward the Confessor, that, if the lord had full jurisdiction equal to that of the sheriff, namely, the privilege of holding both criminal and civil pleas in a court leet and in his court baron, as the sheriff had in his tourn and hundred courts,—that, in this case, the jurisdiction of the sheriff would be excluded. Accordingly, when Ranulf de Blundeville, lord of the wapentake of Salford, granted a portemanmote to the borough of Salford, a jurisdiction equal to that of the sheriff must have certainly subsisted. But it must also be kept in view, that to the same Earl of Chester had been intrusted the custody of the Honour of Lancaster. It was impossible, therefore, that the functions of the new portemanmote of Salford would be overruled either by the hundred court of Salford, of which court the portemanmote was merely part and parcel, or even by the sheriff's tourn held within the Honour of Lancaster.

But, with regard to the portemanmote of Manchester, the circumstances were widely different. Thomas Greslet, a former baron, owed an ancient service to the court of the Salford wapentake, which had rendered his newly-created portemanmote an inferior tribunal, incapable of excluding from any interference with the jurisdiction of Manchester, the bailiffs of the wapentake of Salford, much less the bailiffs of the sheriff's tourn. This inferiority is evident from the state of the law at that time, as it has been explained by Messrs. Merewether and Stephens (in vol. i, p. 52, of their work), after the following manner:—"If the lord has only a partial jurisdiction either with respect to the subject to be inquired into, or the persons to be subjected to the inquiry, then the sheriff would be obliged to interfere in all criminal matters: or, if he has only a jurisdiction over his own tenants, then the freemen, and all others residing in the district, would be under the jurisdiction of the sheriff, who would be obliged to interfere. And in neither of these cases would the sheriff's jurisdiction be ousted,—but the place, though the land belonged to the lord, would continue to be part of the shire."

Such were the grounds of the dispute, which arose in the year 1359, between Henry, the first Duke of Lancaster, and Roger la Warre, the inhabitants of the town having been amerced by the bailiffs of the duke in damages, to the prejudice (as it was alleged) of the lord of Manchester. For the settlement of the matter at issue, the duke, in 1359, caused an inquisition to be taken at

Preston, before Thomas de Seton, and others, his justices, by the oaths of John Ratcliffe, Oates Halsal, Roger de Bradeshagh, Henry, son of Simon de Bickerstath, Robert de Trafford, Adam de Hopwood, Roger de Barlow, John del Hoult, Robert de Hulme, John de Chetham, Thomas de Strangewayes, and John de Scholefield, who (as it is added) were "brought in upon their oaths; that the sayd Roger and his ancestors, time out of mind, held the towne of Manchester, not as a burrough, but as a market towne, enjoying some privileges, as infangtheife, breaches of the peace, assize of bread and beer, waif and stray, punishment of butchers, tanners, and retailers, gallows and tumbrel, fair and free warren."

Farther than this brief summary of the dispute, as revealed to us by Hollinworth, and a notice to be found among the Harleian manuscripts, we know nothing. It would appear, first, that the lord of Manchester had no judicial privilege to which he had a legal claim, except that of his court baron;—secondly, that there could be no judicial officer appointed by the lord of Manchester, whose general authority was equal to that of the lord of the wapentake of Salford, or to that of the sheriff's tourn;—thirdly, that the jurisdiction of the wapentake of Salford, as well as of the sheriff's tourn, would, of course, continue to be in force within the town of Manchester in all cases, except such as related to the lord and his tenants, which, according to ancient usage, would be determinable by the court baron;—and, fourthly, that the newer portemanmote of Manchester was merely a subsidiary court of the said court baron.

As for the exclusion of Manchester from the list of English free boroughs, this disparagement was doubtless suggested by the angry feelings of the Duke of Lancaster. Manchester was strictly a borough, or pledged town, and it possessed sufficient privileges, by the charter of Thomas Greslet, to entitle it to the name of a free borough. But, at this time, there was an unwillingness to dignify any town with the name of "free borough," unless it possessed a jurisdiction competent to the exclusion of the sheriff's tourn,—which Manchester did not. There was, also, an unwarrantable liberty everywhere taken with boroughs:—they were not unfrequently seized into the king's hands for the purpose of extorting money, and, when payments were made, they were indulged, by the force of new charters, with regnants, or confirmations of their ancient privileges.

It is related, that, at this time, the whole rental of the lord of the manor, derived from his possessions within the hundred of Salford, amounted to £137 19s. 6d.

## § 11. THE NAMES OF TWO CHAPLAINS OF MANCHESTER.

These two chaplains were Galfridus de Bexwyck and Roger de Mamcestr.

The ancient family of the Beswickes is associated with the history of the most valued foundations of Manchester, namely, those of the Collegiate Church and Free Grammar School. Nor has Manchester in any period been enabled to boast of inhabitants more devoted to its weal, than those who during many generations have borne this honoured name,—for which reason, I have felt anxious to record the name of a chaplain, Galfridus de Bexwyck, who administered to the sacred duties of the church so early as 1361. Whether he was a chaplain of the parochial church of St. Mary, or of the chapel founded by Robert Greslet, is not known. His name appears in two documents, information of which I owe to the kindness of a reverend gentleman, who, from his near connexion by marriage with the Beswickes of Pike House, near Rochdale, the representatives of the family, has had access to valuable archives, whence I have derived (as will be seen in other portions of this work) much valuable information relative to the early ecclesiastic state of Manchester.

The first of the documents adverted to, bears the date of the 35th of Edward the Third (A.D. 1361-2), William de Mamchestr et Galfrid de Bexwyck grant lands to Thurstan de Holand which they had from Thomas de Albany of Ael Pike in Denton subter Deneshagh:—divers remainders &c. And in a second document, of the date of 38th of Edward the Third (1364-5), Roger de Mamcestr et Galfrid de Bexwyck, Capellani de Mamcestr, convey messuages in Wythington to Thurstan de Holand. Date 11<sup>th</sup> Feb.

Of the family of Roger de Mamcestr, nothing satisfactory is known.

Mr. Raines gives me the additional information, that in another deed, the notice of another Beswick in holy orders was to be found; but as the document was without a date, it cannot be assigned to a proper place in this history.

The memorandum sent me is as follows:—Thomas, son of Roger de Mamcestr, grants to Roger de Pilkynghon the lands which Adam de Pylkynghon held in Sharples, and which Geoffrey de Mamcestre, Esq., his uncle, gave to Mabel, wife of the said Adam. His testibus, Domino Johanni Byron, Thoma de As'ton Rogero de Mydelton Adamo de Prestwyck Thoma de Heton Henrico de Workedalegh WILLIELMO CLERICO DE BEXWYCK, et aliis.

[From a communication of the Reverend F. R. Raines, M.A., Incumbent of Milnrow, near Rochdale.]

## § 12. THOMAS, THE SON OF THOMAS DEL WYKE, RECTOR OF ASHTON.

The following notice appears in Vernon's extracts from the episcopal registers of Lichfield:—

|                       |                        |               |
|-----------------------|------------------------|---------------|
| Time of Presentation. | Rector.                | Patron.       |
| 1362. 4 Id. Mail.     | Tho. 21 Tho. del Wyke. | Rog. la Ware. |

The cause of vacancy is left a blank.

As a conjecture only, I have suggested, that the father of this present rector of Ashton, Thomas del Wyke, of the same name with the son, might have been the rector of Manchester, who, before he took orders, had been a widower. The reasons for this supposition have been already fully explained.—[See page 105.]

## § 13. ROGER LA WARRE IS ENGAGED IN THE CAMPAIGNS OF HIS SOVEREIGN.

During the term of three or four years, we have little or nothing recorded of the state of Manchester, or of its church. Roger la Warre was frequently serving with the king's army in France. In the 34th of Edward the Third, he was taken prisoner by Jo. Haubert. Two years afterwards, he was summoned to parliament. A mandate then came down to the sheriff to raise soldiers, men-at-arms, and archers, to march against the Scots in Salfordshire. In 1364, Roger la Warre was again in the wars, serving in the retinue of Prince Edward.

In 1366, we find John of Gaunt (late Earl of Richmond), who four years previously had succeeded to his father-in-law, Henry, Duke of Lancaster, invested with the title and honour of the dukedom, and engaged in the wars with France.

In 1368, Roger la Warre was sent to Calais with the earls of Salisbury and Warwick, accompanied by five hundred men-at-arms, and five hundred archers. And, in 1369, four hundred archers of Lancashire were required to accompany John, Duke of Lancaster, to Aquitaine.

## § 14. THOMAS DEL BOOTH PROMOTES THE BUILDING OF A BRIDGE FROM MANCHESTER TO SALFORD, AND ALSO FOUNDS A CHAPEL ON THE BRIDGE.

John del Booth, supposed to have not been above the rank of yeoman, married, about the beginning of the reign of Edward the Second, Loretta, daughter and heiress of Sir Gilbert de Barton. A son of this marriage was John del Booth, who had for a grant of arms, a chevron, engrailed, in a canton, a mullet: the crests a Catherine wheel and an agnus dei.

Thomas del Booth, living at Barlow, in the parish of Eccles, was rich in land, houses, and



cattle. Besides his paternal estate near Eccles, he purchased from Sarah de Wakerlegh, of Salford, an estate at Bradford, near Manchester. In the year 1368, while he was in good condition and health, he made his will, the particulars of which shew his great wealth in lands, houses, money, and cattle. Among numerous legacies he directs, that thirty pounds be paid towards erecting the bridge of Salford, in instalments of ten pounds annually.

As Thomas del Booth, however, lived five years after the date of his will, there is no doubt that the whole, or the greatest part, of the bridge was completed in his lifetime, and that the building had commenced on or before the year 1368.

To the same John del Booth the building of an ancient chapel, situated on the bridge, is attributed, which arrested the prayers of the pious traveller. It stood on the Salford side of the river, and, according to tradition, prayers were wont to be made in it for the repose of the soul of the founder.—[See the will, &c., in Baines's Lancashire, vol. ii, p. 198-9, and vol. iii, p. 117.]

§ 15. THOMAS DE WYKE, RECTOR OF MANCHESTER, WITH VARIOUS CHAPLAINS, ARE RECORDED IN THOMAS DEL BOOTH'S WILL OF 1368.

In the will of the date of 1368, made by Thomas del Booth (as just described), there is mention of "Thomas de Wyke, parson of Manchester, one of the executors of the testator, to whom was left a 'molus sifin' (?) of silver."

Is this name correctly copied? By the term "molus sifin," was there not meant a "meal ciffine," or sieve, of the olden times?—which, from its being wrought of silver, might have been used for sifting, or purifying the meal, or flour, from which the consecrated hosts were baked,—agreeably to the mode adopted by the Cluniac monks of Kersall.—[See page 29.]

The names also of various chaplains are stated; but whether they belonged to the church of Eccles, or of Manchester, in both of which parishes the testator held property, is uncertain. He left to John Botterley, chaplain, ten marks;—to Roger Flour, chaplain, xx<sup>s</sup>;—to J. Brundbadley, chaplain, half-a-mark, and to William de Fere, chaplain, three cows and a calf.—[Baines's Lancashire, vol. ii, p. 199.]

§ 16. THE ADVANCEMENT OF EDUCATION AT THIS TIME.

The father of Thomas del Booth had dignified the family by his marriage with the heiress of the Bartons, and as he was a yeoman, he well knew the blessings of education, and could impress

upon the minds of his children a due sense of all its advantages. We accordingly find, that Thomas del Booth, in his will, left thirty pounds (a great sum in those days) for the support of his son at school.

A bequest of this kind, from one whose family had but recently risen from the rank of yeoman, is not without interest. It has been remarked, by such historians as have treated of the fourteenth century, that "while the higher classes were too much engaged with the diversions of the field to pay attention to literature, the cultivation of it was unfortunately left to monks, or to meaner men. During the whole day, the gentry were addicted to hawking and hunting, it being then thought sufficient for noblemen to wind their horn, and to carry their hawk fair, and leave study and learning to the children of meaner people." The cause of literature and learning being thus neglected, was, consequently, taken up by the yeomen, who, according to Holinshead, being wealthy, sent their sons to the university. The first happy fruits of this cultivation of learning among the descendants of the yeomen, was that increase of knowledge which led to the great religious reform of England.

As Thomas del Booth lived five years after the date of his will, it is probable that he would himself witness the completion of his son's studies.

A blessing seems to have attended the care taken by Thomas del Booth towards the education of his family, as among his descendants, remarkable for the dignities which many of them attained, may be enumerated two archbishops.

§ 17. DEMISE OF ROGER LA WARRE.

By a will dated 28th April, in the 42nd of Edward the Third (1368-9), Roger la Warre directed his body to be buried in the abbey of Swineshead, in the county of Lincoln, without pomp. He died in the 44th of Edward the Third (1370-1).

Roger la Warre, chevalier, and Alionora his wife, along with lands in the counties of Berks, Wilts, Leicester, Rutland, Somerset, Salop, Hereford, Northampton, Sussex, and Lincoln,—held, in Lancashire, Mauncestre manor, and the advowsons of the churches of Mauncestre and Assheton, and the manor of Kuerdeleghe, as from the honour of Halton.

The issue of his marriage with Elizabeth, daughter of Adam, the third baron of Welles, was John la Warre, his heir, and Thomas la Warre, who was destined for the church.

That of his marriage with Alionora, daughter of John, Lord Moubray, was Johanna, who married Thomas, the third Baron West.

## CHAPTER IV.

## EVENTS DURING THE BARONIAL SWAY OF JOHN LA WARRE, THE ELEVENTH LORD OF MANCHESTER.

At the time when Roger la Warre died, the county of Lancaster was most actively employed under the commissioners of array, appointed by royal mandate, in obtaining the enrolment of four hundred archers to accompany John, Duke of Lancaster, to Aquitaine. Accordingly, the sheriff of Lancaster was commanded to array all men capable of bearing arms, between the ages of sixteen and sixty years, in order to resist the French, who threatened to invade England, to obstruct the passage of merchants and merchandise, and to abolish the English language. The men-at-arms, hobelers, and archers, were required to be in readiness by Palm Sunday, 1370, while all vessels between twelve and forty tons burthen, lying between the ports of Liverpool and Chester, were ordered to be sent to Southampton and Plymouth, there to embark in the expedition of John, Duke of Lancaster, to Aquitaine.—[Baines's Lancashire, vol. i, p. 353.]

It was at this period, that John, the son and heir of Roger la Warre, who had married Margaret, daughter of Robert de Holland, chevalier, succeeded at the age of twenty-six to the barony of Manchester. At the time of his father's death, he was with Prince Edward in France, for which reason his homage was respited.

## § 1. THOMAS, BROTHER OF JOHN LA WARRE, APPOINTED, PRO TEMPORE, TO THE VACANT RECTORY OF ASHETON-UNDER-LINE.

While John la Warre was absent in the foreign service of his country, which absence had prevented him from taking formal possession of the estates of his late father, the rectory of Asheton fell vacant by the death of Thomas del Wyke, named "Thomas, filius Thomæ del Wyke." During this interval, Sir Louis Clifford had ward of the estates of the baron of Manchester, to whom he was uncle. Sir Louis, who had married Eleanor la Warre, was the son of Sir Roger Clifford of the county of Durham. He possessed court interest, and was strongly attached to the reforming principles of Wycliffe. Having, therefore, by the absence of John la Warre, become a patron pro tempore of the living of Asheton, he was naturally on guard against the pope's emissaries, who were ever vigilant in seizing opportunities to usurp any advantage which might favour foreign presentees, under the character of papal provisors. With this object in view (of which there can be little

doubt), he inducted into the living, Thomas, the brother of John la Warre, who had taken orders. Accordingly, in Vernon's extracts from the episcopal registers of Lichfield, the entry of the patronage of Ashton rectory is as follows:—

| Time of<br>Presentation. | Rector.           | Patron.                            | Cause of<br>Vacancy.     |
|--------------------------|-------------------|------------------------------------|--------------------------|
| 1371.                    | Tho. de la Warre. | D'nus Ludovicus<br>Clifford Miles. | p. m. Thomas<br>de Wyke. |

The presentation of Thomas de la Warre to the vacant living of Ashton, through the patronage of a great espouser of Wycliffe's schemes of reform, is an interesting illustration of the stand then made against the provisions of the Roman see.

## § 2. JOHN LA WARRE TAKES POSSESSION OF HIS ESTATES.

In 1370, John la Warre had been summoned to parliament, subsequent to which, in the course of a year or two, he returned from his foreign campaigns to take possession of his estates. John of Gaunt then appeared as a distinguished character, whose prerogative of *jura regalia*, in the county of Lancaster, had been greatly enlarged by other royal honours. Under this great chief, John la Warre became feudatory, doing homage for the following places:—Haigh, Bolton Parva, Brightmet, Crompton, Brughton, Barton in Salford, Childwall, Aspull, Brockholes in Amounderness, Dalton in Derby Hundred, Parbold, Wrightinton, and Heton-subtus-Horwich. After John la Warre had been invested with the possession of his barony, he returned the same year to France.—[Baines's Lancashire, vol. i, p. 355, and vol. iv, p. 824.] John la Warre afterwards made over to Robert de Holland Dalton manor, and a sixth part of Harwode manor, to be held as from the manor of Manchester, while Nicholas de Longford was confirmed in the possession of Withington manor, which he held along with a section of judge's service. In another record we find, that John la Warre had the manors of Brislington and Somers and of Isefield in Sussex, along with manors in Gloucestershire, Wilts, Lincolnshire, and Lancashire.

## § 3. DEATH OF THOMAS DEL BOOTH.

In the year 1373, being about five years subsequent to the date of his will, Thomas del Booth died, rich and full of years. In bequeathing his soul to God, and the blessed virgin, and all the saints, he left his body to be buried in the church of Eccles, before the altar of the Holy Katherine the virgin, and the best of his cattle to be given to the priest as a mortuary.

He also directed in his will, that there should be paid to two chaplains the sum of £66 13s. 4d.

before the altar of Saint Katherine, in the church of Eccles, for masses to be sung for the soul of Edward the Third, for the soul of Roger la Warre, for the soul of Thomas de Booth and his father, for the soul of Roger de Hulton, and for the souls of all benefactors of the said Thomas. The chaplains to receive five marks each during ten years, until the hundred marks were exhausted.

§ 4. THOMAS LA WARRE RESIGNS THE LIVING OF ASHTON TO JO. DE MARCHFORD—A.D. 1373.

Thomas la Warre would seem to have kept possession of the rectory of Ashton, until his brother's return from abroad, for no other purpose than to protect the patronage of the family from being usurped by the papal influence. He then resigned the incumbency in favour of John de Marchford, as is shewn in an entry from Vernon's extracts:—

| Time of<br>Presentation. | Rector.           | Patron.                       | Cause of<br>Vacancy.                                     |
|--------------------------|-------------------|-------------------------------|--|
| 1373.                    | Jo. de Marchford. | Dominus Jo: la<br>Ware Miles. | p. resig. Magis-<br>tri Tho. de la<br>Ware ult.<br>rect. |

§ 5. DID THOMAS LA WARRE, ABOUT THIS TIME, SUCCEED TO THOMAS DEL WYKE IN THE INCUMBENCY OF MANCHESTER?

In Vernon's extracts from the cartulary of Lichfield, the presentation of Thomas del Wyke, in 1351, to the incumbency of Manchester, is the last which is recorded. Neither is any mention made of the date of this rector's demise. Hollinworth, however, who evidently quotes from records which he has examined, states, that Thomas la Warre was admitted rector, and had a license granted him to be non-resident, and that he was the last parson of Manchester.

§ 6. THE EARLIEST CHURCH WHICH WAS BUILT WITHIN THE FORTIFIED PRECINCTS OF THE BARON'S HULL.

It cannot be very far from this period that a church, formed chiefly of wood, after the manner of ancient timbered houses, was erected within the fortified precincts of the Baron's Hull.

Before the present church of stone appeared, there stood, according to Hollinworth, "a vast wooden building not much unlike, save that it was more adorned, to the booths where the court leets, court baron of the lord, and the quarter sessions are now kept."

A suspicion consequently arises, that the site of the Baron's Hull was beginning to be less used for civil than for ecclesiastical purposes, and that it served, at the utmost, as an occasional residence only for the baron. Nor is the conjecture less

plausible, that the baronial mansion, along with the new church which was built adjoining it, became devoted to the exclusive use of Thomas la Warre, as a residence more befitting the younger son of the lord of Manchester, than the parsonage house of Denesgate.

But did Roger, or John la Warre, in memory of their respective feats on the plains of France, dedicate a church to the two great patron saints of the conflicting nations conjointly?—agreeably to the saw of the old English ballad,

Sing Honi soit qui mal y pense,  
Saint George he was for England, Saint Dennis  
was for France.

The church was assuredly dedicated to Saint George and Saint Dennis; but whether to Saint Mary also, as some allege, is doubtful, as the church to the virgin was at this time in actual use.

Two curiously carved heads, introduced as ornaments upon the front of two very old houses at the upper end of Long Millgate, are said to have been brought from this church. The preservation of these interesting relics within the present Collegiate Church, is due to the Reverend Canon Wray. They are placed behind the altar-screen:

§ 7. JOHN DE MARCHFORD RESIGNS THE LIVING OF ASHTON TO HENRY NETTLEWORTH—A.D. 1374.

The tenure of John de Marchford in the rectory of Ashton was a very brief one. In the following year (1374), he was allowed to transfer it, by exchange, to Henry Nettleworth, rector of the church of Wakerley in the R. deanery of Weldon, Northamptonshire. The entry from Vernon's extracts is as follows:—

| Time of<br>Presentation. | Rector.  | Patron.                           | Cause of<br>Vacancy.                   |
|--------------------------|--|-----------------------------------|--|
| 1374.                    | Henricus Nettleworth<br>Rector eccleie de Wa-<br>kerley. | Dominus Jo-<br>hannes la<br>Ware. | Pensionatio<br>cum Jo de<br>Marchford. |

After this induction, no other presentation by the lords of Manchester is entered in the cartulary from which these various notices have been derived.

In these dispensations of patronage, it does not appear that the emissaries of the pope had interfered. In 1373, Edward the Third claimed, that Gregory the Eleventh should desist from the reservation of benefices in the English church, and that all reservations which had actually taken place should be revoked;—to which proposition the pontiff made at least a promise,—by agreeing that the practice of granting provisions should be abandoned.—[Tierney's edition of Dodd; vol. i, p. 151.]

§ 8. THE DUKE OF LANCASTER AIDS THE ATTACKS OF WYCLIFFE AGAINST THE PAPAL SUPREMACY.

The authority claimed by the pontiff of communicating or withholding the privileges of the church, usually named the power of the keys, was first disputed by Wycliffe, who maintained, that such a power belonged only to God, the Father of heaven. In the various and successive arguments which the reformer employed, he was so successful as to shake the sovereignty of the pope to the very foundation. One of the first fruits of it in England was to cause Edward the Third, with the advice of his parliament, to brave the menaced censures of the church, and to withdraw the tribute, which, ever since the days of John, his predecessors had paid to the court of Rome, as a token that they held their lands from the pope by such a feudal acknowledgment, agreeably to the act of investiture and oath of fealty imposed upon each successive sovereign. From this time, therefore, the kings of England ceased to be vassals of the Roman see.

The next national question occurred upon the occasion of the court of Rome having demanded an aid which it was not convenient in the nation to grant. It was then asked, if a kingdom, in case of necessity and defence, might not detain its treasure that it be not conveyed to foreign nations, even though the pope himself should demand the same under pain of his censures, and whether the money actually collected for the use of the pope might not be applied to the service of the realm?

Wycliffe was supplicated to furnish a reply, which was to the effect of denying that any Divine power had been given to any creature for such a purpose;—that every contribution made to the pope was strictly in alms, which might be withheld when the wealth of the pontificate had surmounted its embarrassment;—and that the pope had no right to possess himself of the goods of the church, as though he were the lord of them, in the place of being, what he really was,—merely a minister or servant.—[Vaughan's Wycliffe, vol. i, p. 344-7, &c.]

While Wycliffe was thus employed in discussing these as well as other national questions of a similar import, the cause of the reformer particularly recommended itself to the most influential personage at the helm of government—JOHN OF GAUNT, Earl of Richmond, the fourth son of Edward the Third, who, at this time, was in the full tide of his surpassing wealth and honours. In 1362, by the death, without issue, of his sister-in-law, Matilda, one of the two coheiresses of Henry, late Duke of Lancaster, who had survived her father a year only,

John of Gaunt had succeeded to the undivided possessions annexed to the title of "fifth Earl and second Duke of Lancaster," which he enjoyed by right of his wife, the Lady Blanch, or Blanch Plantagenet. In 1369, he had found himself a widower, with an infant son left to his charge, Henry of Bolingbroke. In 1371, he had married, for his second wife, Constance, daughter of Pedro el Cruel, King of Spain, by which marriage he became titular King of Castille and Leon. And on the 28th February, 1377, by a charter of this date, the county of Lancaster, under his control, was created for his life into a palatinate.—[See Introduction to the Charters of the Duchy of Lancaster, edited by W. Hardy, Esq., 1845.] Much to the satisfaction of the nation, he had concluded a treaty of peace with Flanders, as a reward for which and other services, the grant of a court of chancery in the duchy of Lancaster had been made over to him, along with the prerogatives of *jura regalia*.

John of Gaunt was indignant at the exorbitant power of the church. In the support, therefore, which he gave to Wycliffe against ecclesiastical abuses, he interfered to rescue him from the hands of his enemies, the chief of whom was the Archbishop of Canterbury, who first undertook to punish the new crime of heresy.

In the year 1377, King Edward died, being succeeded by his grandson, Richard the Second, then only eleven years of age. The Duke of Lancaster thereby exercised a regency and viceroyalty; all great measures being dated from the palace of the Savoy, or from the castle of Lancaster.

About this time a strong popular excitement was created against foreign mendicant friars. Their unpopularity was the greatest during the time of Wycliffe, who, when a teacher at Oxford, during the agitation of a question affecting the immunities of the college, stigmatised them as the Pharisees, the Sadducees, and the Essenes of holy writ.

But, perhaps, a greater objection to the mendicant order arose from the suspicion, that they administered to the designs of the Roman see, in upholding that influence in temporalities, against which the civil power had protested. The Freres were accordingly denounced as doing their utmost to involve the country in a religious war.

It was upon these political grounds, no less than owing to other objections industriously promulgated by Wycliffe against the mendicant order, that John of Gaunt sought to carry out the views of the reformer by their suppression. He, therefore, in the 1st of Richard the Second, ordered that all foreign mendicant friars within the duchy of Lancaster should quit the realm.

In the mean time, the episcopal interest became

powerfully opposed to the progress of reform. The bishops were warned by John of Gaunt to stay all hostile proceedings against Wycliffe, but, as the duke's power fell far short of what it had been in a preceding reign, having visibly declined, articles of accusation, founded on the determination of the pope to proceed against the reformer, were renewed. Wycliffe then found a ready friend in Sir Louis Clifford, who, in the name of the queen-mother, stayed the Bishop of London's sentence.

#### § 9. WYCLIFFE POPULARIZES THE PRINCIPLES OF REFORM.

At length a more general spirit of examination began to prevail. The later acts of Wycliffe's life, after he had accepted the living of Lutterworth, became devoted to the object of popularizing the principles of reform.

With the view of making proselytes from the humbler ranks of society, Wycliffe formed to himself an ideal standard of priestly perfection, with which he might compare the mode in which the functions of the clergy were actually exercised. This is shewn in his treatises on the Levitic priesthood, on the priesthood of Christ, on good priests, on the official duty, *de episcoporum erroribus*, and *de curatorum erroribus*. He inquired,—how priests ought to be paid? “They hold themselves to be paid,” he replied, “with food and clothing,” as Saint Paul teacheth, “but if they have more than this, it is poor men's goods of which they are keepers, as the procurators of poor men.” He also defined their duties to consist “in helping their brethren to heaven-ward, both by teaching, praying, and ensample giving,” adding that “they fulfil this by great run of charity as did Christ and his apostles, while they have time, bodily strength, and youth.”—They flee, he continues, from one city to another when they are pursued of anti-christ's clerks, as did Christ and his apostles. They take such alms of the people whom they lead as are given willingly and devoutly, instead of taking dimes and offerings ordained by the customs of sinful men. Being stirred by the Holy Ghost, they go and dwell among the people whom they are likely to most profit. They are thus opposed to the simony, covetousness, and idleness of worldly clerks.—[*Gilpin's Life of Wycliffe*, p. 93-101.]

In entertaining these sentiments of pastoral perfection, Wycliffe encouraged by his own example the preaching to the poor. He enlisted in the cause of reform a chosen number of enthusiastic disciples, who, in travelling about barefooted, in long frieze gowns, under the name of “Wycliffe's poor priests,” preached daily in churches, church-

yards, markets, or fairs, not only edifying the inhabitants of adjoining parishes, but, as apostles or missionaries of a reformed faith, popularizing the principles in which they had been instructed, through less contiguous, and even remote or widely-spread districts.

Wycliffe, while thus employed, encountered a severe illness, but, upon his recovery, he renewed his apostolic labours with increased vigour. In the promulgation of Divine truth, he confined the attention of his disciples to two subjects, namely, to the sacraments of holy church, and to the inspiration of the sacred writings.

The sacraments of holy church were then regarded as seven, namely, baptism, the Lord's supper, confirmation, penance, matrimony, extreme unction, and ordination. But as these sacraments were crowded with ceremonies, many of which, according to the ideas of theologians, enveloped within them momentous truths, Wycliffe treated the whole with a delicate hand, having been aware to what extent symbols formed the popular language of the epoch in which he lived. He was careful, therefore, in distinguishing the truths conveyed in the sacraments from the ceremonies with which they were clothed, by defining a sacrament to be “a token that might be seen of a thing that might not be seen,” and by denouncing all unmeaning or idle ceremonies attached to them, as being of no use in themselves, nor as having any foundation in scripture.

In short, Wycliffe had considered that the time had arrived, when, in order to keep pace with the increasing intelligence of the masses, religion might be presented to them in a less figured language, approaching more and more to the plainness and preciseness demanded by reason and philosophy. Hence the propriety of the distinction which Wycliffe made between the thing which was not visibly seen, being the veiled religious truth, and the token by which what is veiled became manifest and comprehensible.—[*Gilpin's Life of Wycliffe*, &c., p. 62, and seq.]

But the great triumph of the reformer over the symbolic form of worship, consisted less in denuding the sacraments of many vain ceremonies with which they were perplexed or veiled, than in a dissemination of the holy scriptures, a translation of which, between the years 1378 and 1382, he had, with great labour, effected. His mission then appeared to him as on the eve of completion. “If we had a hundred popes,” he exclaimed, “and if all the friars were cardinals, to the law of the gospel we should bow more than to all this multitude.”—[*Vaughan's Wycliffe*, vol. ii, p. 302, and *Gilpin's Lives of the Reformers*, p. 36-39.]

§ 10. THE EFFECT OF WYCLIFFE'S MISSION ON  
THE SOCIAL AND POLITICAL STATE OF ENGLAND.

The object of popularizing the principles of religious reform was, with Wycliffe, less an act of hostility to existing establishments, than a desire to impress upon the popular conviction what doctrines had been suppressed, or thrown into the shade, which, if reproduced, might operate advantageously upon society, so as to stem the gross disorders which had arisen no less from ecclesiastical avarice, luxury, and neglect, than from the feudal tyranny which was bringing the Kentish men into the field of civil conflict, and in Lancashire and other counties was inciting to the most outrageous acts of civil insubordination.

In the course of this history, I have availed myself of various occasions to draw the contrast between the two social states of civil freedom and of vassalage, as they existed not only in Manchester, but likewise in every other part of the kingdom.

The villein of the Anglo-Norman period, like the modern slave of the western world, was born a slave, and was rendered amenable to a villein parentage for the abject state in which he was regarded by the laws. But he differed from the absolute slave of Saxon times, inasmuch as he could not be personally sold in a slave market, or, in other terms, could not be sold detached from the estate wherein he was nourished and dwelt.

Among the numerous civil disabilities incidental to the state of villeinage, all of which I have explained, the most intolerable in its consequences was that which resulted from the feudal principle, that every thing of which a villein might appear to stand possessed, was actually the property of his lord. Hence the inability of the villein to engage in any trade, or commerce, as he was not legally entitled to enjoy the fruits of his own manual labour;—hence also the failure which would accrue to him in any appeal of “mayhem” [bodily injury] against his lord; for, however entitled he might be to pecuniary damages,—agreeably to the ancient tenor of the Saxon laws, which fixed upon the loss of different limbs or parts of the bodily frame, proportionate and definite sums,—the lord could legally retain in his hands the remunerating amount awarded, as his slave was not capable of possessing any property whatever. Slight, also, were the gleams of hope for a deliverance from this galling state of thralldom. As every thing of which the villein was possessed might be claimed by his lord, his redemption could not be accomplished by any purchase effected from his own resources, but must depend (as was laid down by lawyers) upon the aid

to be derived from some charitable freeman, a stranger to the lord's domains. In short, the only mode left to the villein of effecting his deliverance, was that of clandestinely contriving to reside within a privileged town for a year and a day, when the emancipation which ensued would be irrevocable,—agreeably to a humane statute passed in 1369, which declared, that if a villein became once free, he never again could return to the state of villeinage.

Recently, however, some degree of amelioration had taken place in the condition of villeinage by the springing up of a description of tenants, named “bondage tenants,” or, more frequently, “tenants at will,” from their holding lands at the mere will of the lord. Besides paying an annual rent, they were still subjected to services of a base and servile kind, such as were required by the cultivation of the lord's distinct demesnes at seed time and at harvest time,—services, however, which still left most of the time of the tenant at his own disposal, and secured to him the greatest share of the profits of his own industry. Such an emergence from a persistent, and almost absolute state of bondage to one which was limited in extent and duration, rendering at the same time the bondage tenant law-worthy, and placing his property, limbs, and life, under the protection of the civil constitution, was no little concession to the growing intelligence and civilization of the age.

Such was the first, yet imperfect state of manumission, little relished by the proprietor, in favour of the enslaved dependants attached to his estate. But the privilege did not go far enough.—It happened that, in the reign of Richard the Second, great discontent had been excited by the heavy taxes imposed upon all classes of subjects for the purpose of securing the possession of Cherbourg, Brest, Calais, Bourdeaux, and Bayonne. The levy was adjusted according to the rank of the cesspayer, and collected from all of the age of fifteen. Of the very general restlessness thus excited, such of the discontented as were of the grade of villeins, or bondage tenants, took advantage;—of which grade the mass of the insurgents was formed. In lieu of the vague and galling services required by a state of villeinage, they demanded stated rents in lands, as well as the alleviation of such restrictions placed upon industry, as were caused by the tolls and imposts levied in market towns.

It has been denied, that the exciting cause of this movement was due to the Christian doctrines promulgated by John Wycliffe and his “poor priests,” although, in holding up the example of Constantine the Great, they made an irresistible

appeal to the freedom and intelligence of man, who, in comprehending his own instincts and tendencies, professed, when most formidable under the incitement of rebellion, to respect them as they were to be found in others. This was the offence for which John Ball, the preacher, one of Wycliffe's poor priests, was stigmatized,—an offence which threw such unmerited obloquy on the doctrines of the great reformer.

But how could a different result have been expected? It is a great mistake, even of the present enlightened period, to imagine, that the predominance of any particular feature of religious doctrines can have no corresponding degree of influence upon civil institutions. In the form which slavery took in the middle ages, it eventually yielded to the doctrine which teaches us, that "God is no respecter of persons," and that every man is a brother,—it yielded to the religion which, in its very rudiments, inculcated the simple principle from which all social states, however complex they may be rendered by contingencies, ought to take their departure,—"thou shalt love thy neighbour as thyself." The humble, and most aggrieved villein not only felt that he had the right to accomplish his own destiny, or individual good, but that he had the right to impose on the master the reciprocal duty of respecting this Divine privilege possessed by his bondsman, under the penalty of being stigmatized with injustice.

At the effect produced by Wycliffe's poor priests, the government took instant alarm. An act passed in the 5th of Richard the Second, that all who preached without license against any interpretations of the holy scriptures repugnant to the determinations of the church, or to the laws of the land, should be arrested, until they justified themselves according to the law and reasoning of holy church:—that bishops were to return the names of delinquents into the court of chancery, and that their commitment was to be by writ from the chancellor, who might issue forth commissions to the sheriffs, and others, the king's ministers:—such offenders to be committed to the prison of the bishop, or of the sheriff, in order that the sharpness of their sufferings might bring them to repentance.

#### § 11. THE DISTURBANCES OF LANCASHIRE AT THIS PERIOD.

As Lancashire suffered more than almost any other part of the kingdom from feudal oppressions, it can create no surprise that the disturbances of the "Wat Tyler period" should prevail in this county to a most alarming extent. An impression subsisted, that they were fomented by the Duke of

Lancaster, who, amidst the prevailing confusion, had conceived, that, with the aid of certain peers, prelates, and others, well known to be discontented with the existing government, he might usurp the royal authority. This report placed the duke's personal safety in such jeopardy, as to induce his friends of the north to raise for him a body guard. When the confidence of the court in his loyalty was restored, John of Gaunt was appointed the king's justiciary to inquire into the depredations, robberies, homicides, burnings, and rapes which existed in Lancashire, with power to punish the offenders.

As for the causes of these flagrant outrages, they must be sought for in the general discontent which resulted from feudal oppressions. The miserable state of villeins and husbandmen, or bondage tenants, had become too intolerable to be longer borne.

But it is very remarkable, that much of the disturbance of this period was due to the yeomen of the county, who began to form a middle rank of society, above that of husbandmen, yet below that of gentry entitled to heraldic honours. With this class, other motives must be sought for to explain the share which they had in fomenting disturbances of no ordinary kind. In fact, the yeomen had no cause of discontent, but that of not being raised to the rank of right worshipful squires,—the means for accomplishing which object having resolved themselves into one, or both of two qualifications:—the first being that of the attainment of wealth;—and the second, that of an alliance by marriage with families of gentle blood.

These two qualifications, by which the yeomen sought to advance themselves to the rank of gentry, will be explained in their due order.

The first of these consisted in the attainment of wealth.—The great impulse which, in the reign of Edward the Third, was rendered to commercial enterprises and industry, must have advanced many yeomen a step in the social grade of ranks, to which every facility was given by an order of Edward the Second, that all who had lands to the value of twenty pounds per annum would be required at the king's pleasure to take upon them the order of knighthood. Accordingly, no sooner had an edict of this kind been published, than such yeomen as had grown wealthy by dint of their industry as clothiers, or other artisans, sought to purchase estates from needy proprietors, whence they might be enabled to qualify themselves for the honours which awaited all such as were rich in lands. Thus it is recorded by Guillim, that, upon the summons for all who had lands to the value of twenty pounds per annum to take upon themselves

the order of knighthood, there came a yeoman who might spend a hundred marks per annum. "The court," it is added, "was at a loss how they might put him off," until, at last, the claim was waived on the plea, that he had applied too late, namely, on the second day of the summons.

A second qualification by which yeomen sought to be raised to the rank of gentry, or, at least, to be the founders of families entitled to heraldic honours, was, by an alliance with maidens of gentle blood. This plan was in no few instances successful. An example has been already cited [see page 109] of Thomas del Booth, who married the heiress of Barton, in consequence of which, the son obtained from the herald a grant of arms. We also find, that in the reign of Richard the Second, Ralph Lever, a yeoman, married Anne, daughter of Robert Radcliffe of Radcliffe, by which alliance he became the founder of a family no longer crestless.—[Baines's Lancashire, vol. ii, p. 567.]

Now it would appear, that, in Lancashire, the yeomen, and, perhaps even lower grades, took advantage of the lawless state of the kingdom, caused by the movement of Wat Tyler, and forced many females into engagements of marriage, with the hope of being advanced by such alliances to the rank of esquires or knights. When such proceedings came to the ears of John of Gaunt, than whom a more strenuous champion for the intact conservation of ancient gentilitia distinctions did not exist, he was most indignant at the audacious presumption of low-born upstarts. A proclamation was therefore issued in his name, as King of Castile and Duke of Lancaster, notifying to the sheriff of the county how this functionary was to deal with "such malefactors and ravishers of the ladies and daughters of the nobles, as well as of other women," adding, that they were more violent and more common in Lancashire than in any other part of the kingdom, and that the ladies and others thus ravished, were wont (as a very natural denouement) to marry their ravishers. With the view, therefore, of obviating such a finale, it was proclaimed, that the parties should be rendered incapable, *ipso facto*, of succeeding to any hereditary property, dower, or conjoint feoffment; that no property from ancestors could descend to them;—that the inheritance must go to the next in blood;—that the husbands of the females thus ravished, if they should happen to have husbands, would have the right of a suit at law;—that in the case of single women who might be ravished, the fathers or other relations of blood might have their action;—and that a defendant would not be entitled to meet his pursuer "ad duellum," or by trial of combat.—[See Baines's Lancashire, vol. i, p. 363, where the

proclamation—I fear a rather inaccurate copy—is given.]

Yet, after all, it is possible that the circumstances attending this inveigling of the fair damsels of Lancashire, the ladies and daughters of nobles, and others,—scarcely merited the hard epithets applied by John of Gaunt to their successful suitors. In days, like these, of open outlawry, the yeomen of Lancashire might have been anxious for nothing more than to enact the part of their ideal prototype, "the bold yeoman of Sherwood forest," when first introduced to "his lady fair," the graceful Clorinda:—

By the faith of my body, said bold Robin Hood,  
I never saw woman like thee;  
And com'st thou from east, or com'st thou from west,  
Thou needst not beg venison of me.

Clorinda said, Tell me your name, gentle sir:  
And he said, 'Tis bold Robin Hood:  
Squire Gamwell's my uncle, but all my delight  
Is to dwell in the merry Sherwood.

For 'tis a fine life, and 'tis void of all strife.  
So 'tis, sir, Clorinda reply'd.  
But, oh! said bold Robin, how sweet would it be,  
If Clorinda would be my bride!

She blusht at the motion; yet, after a pause,  
Said, Yea, sir, and with all my heart.  
Then let us send for a priest, said Robin Hood,  
And be married before we do part.

When dinner was ended, Sir Roger, the parson  
Of Dubbridge, was sent for in haste:  
He brought his mass book, and he bade them take hands,  
And joy'd them in marriage full fast.

And then, as bold Robin Hood and his sweet bride  
Went hand in hand to the green bower,  
The birds sang with pleasure in merry Sherwood,  
And 'twas a most joyful hour.

#### A TRUE TALE OF ROBIN HOOD.

In order to obviate this prevalent state of outlawry, several general laws were framed, with the view of enforcing settlements under the broad basis of the Saxon law. Vagrancy and the removal from one place to another, except under the security of responsible pledges, was not allowed,—even the removal of servants and others from place to place without testimonial letters was prohibited. No one was to receive any person within his house beyond three nights, unless through the information of friends he had such a knowledge of the stranger's person and character, as that he would be responsible for his conduct.

Such were the ordinances of "the Wat Tyler period," which, although based upon the Saxon elements of residence and mutual pledges, resembled the martial law of modern times in their stringency.



§ 12. THOMAS LA WARRE IS ADMITTED TO THE  
PREBEND OF GRINDALE, YORK.

Upon the 31st of January, 1380, Thomas de la Warre was admitted to the prebend of Grindale, York, vacant by the death of — de Thoresby.—[Willis's Cathedrals, p. 139.] He was also, at the time, rector of Manchester.

It may be objected against the clerical character of this divine, who, in a late period of his life, sought, by the foundation of a college in Manchester, to remedy the evils of patronage, that, in this instance, he held a plurality of spiritual offices. But it must be reflected, that considering the great dearth which there was of a learned education among the clergy, the union of a prebendary's duties with rectorial functions was considered as having little effect upon the efficiency of ecclesiastical discipline, when compared with the hazard of mixing spiritual concerns with such as were of a pure worldly character. Hence the remonstrance of Wycliffe, that neither prelates nor doctors, priests nor deacons, should hold secular offices, that is, those of chancery, treasury, privy seal, and other such employments in the exchequer;—that they should neither be stewards of lands, nor stewards of the hall, nor clerks of the kitchen, nor clerks of accounts, neither be occupied in any secular office in lords' courts, more especially while secular men were sufficient to do such offices.—[Vaughan's Wycliffe, vol. i, p. 298.]

§ 13. WERE JOHN LA WARRE AND HIS BROTHER,  
THOMAS LA WARRE, INFLUENCED BY THE  
PRINCIPLES OF WYCLIFFE?

In aid of this question it may be worthy of note, that three great friends of John la Warre were eminent advocates of Wycliffe. The first of these was John of Gaunt, with whom John la Warre officiated at the coronation of Richard the Second:—the second was his uncle, Sir Louis Clifford, of whom mention has been made as having been a trustee of the estates and advowson of the barony (see page 101), during the interval between Roger la Warre's death and the return of the son, the present baron of Manchester, from foreign campaigns:—while a third friend of Wycliffe was Sir Thomas Latimer of Braybroke, in Northamptonshire, a cousin of John la Warre by the marriage of Catherine la Warre, his aunt, with Sir Warine Latimer.

If, then, no fewer than three of the most intimate friends of John la Warre were avowedly attached to church reform, it may be asked, if John la Warre himself was favourable to the mission of Wycliffe?

There is greater reason to suppose, that the cause of ecclesiastical reform found the most favour with Thomas, the brother of John la Warre, then in holy orders, as it is certain, that the abuses of patronage, from which the church of Manchester was very far from being exempt, formed a leading cause which induced him, when, by his brother's death, he succeeded to the barony of Manchester, to remedy "so great a treachery against God and his people."

If, therefore, we would understand the motives which led to the foundation of a college in Manchester, thirty or forty years after Wycliffe had fulfilled his reforming mission, we must carefully attend to the exposure which was made of the very corrupt and disgraceful state of church patronage which prevailed.

§ 14. THE DUKE OF LANCASTER WITHDRAWS HIS  
FAVOUR FROM WYCLIFFE.

The Duke of Lancaster's zeal in behalf of the reformer, which had been rather shaken by observing the effect of his doctrines in engendering "the Wat Tyler movement," was still further cooled down after Wycliffe had published the doctrinal views which he entertained relative to the Eucharist.

Regarding the real presence in the sacrament, Wycliffe differed from holy church, as other theologians had done before him; for, even in the time of the Conqueror, several persons had been banished out of the kingdom for broaching unauthorised opinions concerning Christ's presence in the blessed sacrament. The received doctrine was, that in the sacrament of the Lord's Supper, the elements after consecration were entirely changed into the body and blood of Christ, and that although the accidents or forms of bread and wine still remained after consecration, yet, by the omnipotence of God, they remained without a subject. Wycliffe, however, endeavoured to establish [*de essentia accidentium*], that the substance of the bread and wine of the Lord's Supper, after consecration, remained the same, and that the body and blood of Christ were not substantially in them, but only figuratively. This view, which he inculcated in lectures given at Oxford in 1381, raised among his enemies of the religious orders the greatest indignation, who were the means of inducing Dr. Barton, the vice-chancellor, to pronounce the doctrine as heretical, and as meriting imprisonment and excommunication. Wycliffe then fled for protection to the Duke of Lancaster, but even this old friend shrunk from the responsibility of appearing to countenance attacks against the received

doctrine of transubstantiation. In 1381, Wycliffe was cited to appear before the ecclesiastical authorities, when his doctrines incurred a formal condemnation. From the penalty which attended the heresy, he was only saved by the mediation of other powerful friends and supporters in the civil interest who had never forsaken him, among whom the chief was Sir Lewis Clifford.

A little time before the labours of Wycliffe were brought to a natural conclusion, there arose the well-known and important dissension between the two rival popes of that period, who fought against each other with such spiritual weapons as bulls, anathemas, and excommunications,—of which dissensions Wycliffe did not fail to avail himself, by inveighing against the absurdity of making the token of Christ on the cross,—a token of peace, mercy, and charity,—the banner to lead on Christian men to slay each other for the love of two false priests. He also went to the length of the modern Quakers, in protesting against the right of spilling blood upon any plea whatever, excluding even the judicial urgency of making examples on the public scaffold.

#### § 15. THE DEATH OF WYCLIFFE.

The reformer died in the year 1384, about the time when the Duke of Lancaster, his earliest friend, was in Scotland, threatening Edinburgh.

Very opposite conclusions have been arrived at regarding the nature of the changes in the established discipline and faith of the church, which Wycliffe sought to introduce. It is, perhaps, from the list of heresies with which he was charged, that we are the best enabled to judge of the extent to which his reforming doctrines were practically carried.—[See Vaughan's Wycliffe, vol. ii, p. 92.]

In estimating these charges it appears to me, that the mission of Wycliffe was generally resolvable to the three following objects:—first, to create a popular mistrust in the obligations supposed to be due to the papal supremacy;—secondly, to excite the laity to a correction of the corrupt state of ecclesiastical discipline;—and, thirdly, to engender popular doubts of the infallibility of the church on doctrinal questions.

In the first of these objects,—the creation of a popular mistrust in the obligations supposed to be due to the papal supremacy, Wycliffe was charged with denying the power of the pope over the clergy;—in asserting, that priests and deacons were severally empowered to preach the gospel without waiting for the sanction of popes and prelates,—and that to forego this service from the fear of

clerical censures, was to appear as a traitor to God in the day of doom.

In the second object,—which was that of invoking the laity to a correction of the corrupt state of discipline in the church, Wycliffe's attacks had, in the first place, been directed against the order of mendicants.—Afterwards, he was induced to break ground in the field of a more general exposure of church grievances, from which no degree of rank was excluded,—not even the sovereign pontiff himself. The reformer then saw, that, in diverging from the narrow sphere of exposure to which he had at first confined himself, he was embodying the sentiment of the nation at large. He was, accordingly, arraigned before the archbishop, for asserting that the institutes of the religious were in themselves sinful, and tended in many ways to the injury of piety;—for declaring, that a vicious course of life was incompatible with the exercise of ecclesiastical authority;—that the claims of a depraved pontiff might be derivable from the emperor, but in no instance whatever from the gospel;—that priests and bishops forfeited their power by yielding to deadly sin;—and that when a prelate excommunicated any man without knowing him to be so judged of God, he was himself a heretic and excommunicated.—He was also charged with arguing, that the spiritual power was inferior to the temporal;—that to prohibit appeals from the tribunal of the clergy to that of the king, was to incur the guilt of treason;—and that temporal lords might deprive an offending clergy of their possessions. Another charge was for assuming, that the dependance of the clergy upon the support of the laity was a conditional compact;—that tithes were merely alms to be yielded to the clergy, inasmuch as they were devout men, and according to the discretion of the contributors;—likewise, that clerical endowments were unlawful.

The third and last general object of Wycliffe, was to engender popular doubts of the infallibility of the church in many of her doctrines,—for protesting against some of which, he was arraigned.

Regarding doctrinal questions, it would be impossible, in the limited space to which I have confined myself, to take notice of the multifarious writings of this surprising man, or to give any comprehensive view whatever of the moderate reforming pretensions which distinguished the commencement of his mission, when compared with the revolutionary subversion of ancient dogmas characteristic of the close of his career. It may be generally observed, that in the fundamentals of Christianity, the theology of Wycliffe did not differ materially from that of the schoolmen, as was shewn in his writings on the Trinity, on the

incarnation of the Word, on the humanity of Christ, on the Divine government, on the religion of the perfect, or on evangelical perfection. On some questions, however, as might be expected, he had no settled notions, as, for instance, in the old *questio vexata* of fate, in which he shewed himself at times an absolute predestinarian, while, in other instances, he was contradictory with himself. At one time he argued, that as all things belonged to God, and as good men only were the children of God, they were of course the only inheritors. Nor was he less confused in the equally contested subject of grace. He however held, that without the assistance of the Divine grace, a man could not make himself acceptable to God,—for which reason he fervently wrote on the virtue of praying: “*De virtute orandi.*”

One of the principal writers among the Roman Catholics limits greatly the extent of Wycliffe's mission. He condemned, it is said, the tenet of transubstantiation, but, like Luther, maintained the existence of the bread in conjunction with the reality of Christ's presence on the altar. In denouncing indulgencies, pilgrimages, the use of holy water, and the supremacy of the holy see, he appealed to the scriptures as the sole rule in matters of faith. On the other hand, he admitted the seven sacraments of the Catholic church;—a belief in purgatory, as a place of temporary punishment;—the efficacy of the mass as a propitiatory sacrifice;—the duty of sacramental confession, with contrition for sins before done, and good life in keeping God's behests and works of mercy after. In these doctrines, adds this writer, as well as on grace, on dominion or the right of property, on the power of the people to depose a ruler who may have been guilty of mortal sin, or on the criminality of such ministers of religion as permit themselves to be endowed with temporal possessions, it is impossible to trace the features of the English Reformation.—[Tierney's ed. of Dodd's Church History, vol. i, note to p. 148.]

An author, however, of a very opposite theological school, Dr. Vaughan, would lead us to suppose, that it is by no means a hopeless task to trace in Wycliffe's doctrines the broad features and compass of the English Reformation, to the comprehension even of many tenets and peculiarities which we owe to the Puritans. To a certain extent this view may be defended. As Wycliffe advanced in his career, he was seduced by his growing desire to subvert the symbolic form of worship, to wage an exterminating war with many of the ceremonials, or externals with which Divine worship was crowded, to the suppression even of chanting and cathedral music.

But without dwelling upon these diversities of views, there is one feature in the writings of Wycliffe upon which far too little has yet been remarked;—this was the value which he placed upon morals, as much exceeding that of religious belief. He regarded heresy as consisting in a bad life no less than in false opinions, whence he drew the inference, that no good man could be a heretic. He also expressed his opinion, that God would ask no more of a Christian in this life than to obey the precepts of the blessed law, and that it was the character of antichrist to require more.—[Gilpin's Life of Wycliffe, p. 80, 93, &c.]

After the death of Wycliffe, there was for some time little to commemorate in ecclesiastical affairs. In a contention with Archbishop Courtney (A.D. 1385), on the right of taxing the clergy for the wars,—insisted upon by the Wycliffites for the reason, that the revenues of the church were *aims*,—Courtney not only objected to the inequality of the assessment, but upon the right assumed over the temporalities of the church. Eventually, however, upon an alarm being excited by the threatened invasion of the Scots, the king accepted from the clergy what they were pleased to name “a voluntary offer.”

On the 18th of October, 1389, Pope Urban the Sixth died. He was succeeded by Boniface the Ninth, who published a decree declaring the proceedings of the parliament relating to papal provisions to have been null and void; and, upon invoking the king to forthwith expunge the acts relative to provisions from the statute book, he threatened with removal and excommunication any bishop who acted upon this judgment. In proceeding, also, to grant a prebend in the cathedral of Wells to an Italian favourite, the two houses unanimously declared, that this attempt to control the decision of the regal courts by intimidating the bishops, was subversive of the rights of the crown, and that they would joyfully stand by their sovereign to live and die in resisting this encroachment on his authority. It was, accordingly, deemed necessary not only to confirm the statute of provisions made in the 25th of Edward the Third, rendering him who accepted a provision liable to forfeiture, but also to frame a new law of mortmain, in which it was rendered indispensable that there should be a license from the crown before any religious house could hold land in perpetuity.—[Tierney's ed. of Dodd's Church History, vol. i, p. 340, and App., No. viii.]—In fact, by virtue of such a license, the Manchester College was eventually founded.

§ 16. THE ADDITIONAL CHURCH PREFERMENTS  
GIVEN TO THOMAS LA WARRE.

In 1391 we find Thomas la Warre appointed parson of the church of Sleaford, in Lincolnshire, and two years afterwards, in 1393, made canon of the church of the Blessed Mary, in Lincoln, when he is said to have passed certain lands *pro abbate et conventu de vallo Dei*.

Thomas la Warre is supposed at this time to have continued rector of Manchester, but whether he gave up any other of his preferments, in consequence of this influx of clerical dignities, we are not informed.

§ 17. PREMUNIRE FOR PURCHASING OF BULLS  
FROM ROME.

It has been properly remarked by an ecclesiastical writer [Dodd], that although the pope, by the strength of his supremacy, had a power of inspection over the whole church, and might send legates to execute his orders, yet by erecting courts of judicature, the method was become prejudicial;—that so long as the orders of bishops might be superseded in any trivial matters by one of the pope's legates, the bishops would regard the jurisdiction as precarious;—that appeals to Rome would become chargeable, whence the innocent would be oppressed for want of witnesses, from the inability to secure their attendance at so great a distance from their homes;—and that the trial of causes in a foreign court was naturally calculated to make the king both jealous and tenacious of his authority and rights.

To remedy these inconveniences, an act was passed in the 16th year of the reign of Richard the Second, entitled "*Premunire for purchasing of bulls from Rome*." It enacted, that if any person should purchase, or pursue in the court of Rome, or elsewhere, by any translations, processes, or sentences of excommunication, bulls, instruments, or any thing whatever touching the king's crown and regality, or against his realm, or should bring them into the kingdom, or receive, notify, or execute them, either within the realm as aforesaid, or without, such persons, their notaries, procurators, maintainers, abettors, fautors, and counsellors, should be put out of the king's protection, their lands and tenements, goods and chattels, should be forfeited to the king, while their persons should be attached, wheresoever they might be found.—[Tierney's ed. of Dodd's Church History, vol. i, p. 162, and App., No. ix, p. 341.]

It has been recorded that from the date of this act, the archbishops called no more convocations by their sole authority, but by license from the

king; their synods having been formed by a writ, or precept from the crown, directed to the archbishops to reassemble their clergy, in order to consult them upon such affairs as his majesty would lay before them. Still, however, until the act of supremacy of the reign of Henry the Eighth took place, their canons were considered binding, although confirmed by no authority but their own.

§ 18. THE MOVEMENT OF THE WYCLIFFEITES,  
UNDER THE NAME OF LOLLARDS.

The Wycliffeites, as a religious party, became distinguished under the appellation of Lollards,—a name of obscure origin, supposed to be a German term of derision. Their leaders, "the poor priests," organised by Wycliffe, were everywhere active. They avoided the practice of "preaching friars," who did little more than entertain the people with idle stories and miracles, and preferred enforcing upon their hearers the necessity of a good life. "The highest service," remarked Wycliffe, "which men may attain upon earth is to preach the word of God,—which service falls peculiarly to priests, and therefore God more straightly demands it of them."

Lancashire owes its proselytism to the missionary labours of the learned Dr. Hereford and Master John Ashton, who are said to have traversed nearly half the kingdom, each appearing in coarse attire with a staff in his hand, and preaching against spiritual censures, religious temporalities, and distinctions among the clergy. They also proclaimed the poverty of Christ and his disciples, in contradistinction to the simony, the covetousness, and idleness exhibited by worldly clerks.

It has been observed by Dr. Vaughan, that three kinds of preaching were then in use; the first, declaiming like an oration, or an essay, upon a given subject; the second, postilling, that is, reading a portion of scripture, taking parts of it, and discussing it, like what is called lectures or exposition; while the third was the handling of the sacred text which had been recently divided into chapter and verse, that is, by taking a verse, and, according to the logic of the schools, dividing and subdividing it.—[Vaughan's Wycliffe, vol. ii, p. 21.]

In addition to these apostolic exertions, a petition was presented in 1396 to the House of Commons against the pride of the Church of England, lamenting that faith, hope, and charity had declined;—inveighing against the forms of priestly domination,—against the celibacy of the clergy,—and against religious orders:—it also condemned the doctrine of transubstantiation;—it animadverted upon the worldly affairs of churchmen,—

upon the prayers for departed souls,—upon absolution and auricular confession,—upon the folly of supposing that the bliss of heaven might be purchased for lucre,—as well as upon sundry other matters, as discussed in the *trialogus* of Wycliffe, “the evangelical doctor.”

Richard the Second had just landed in England. While Boniface the Ninth reprimanded the sloth of the archbishops and bishops in not being more active to punish heresies, the king was exhorted to discountenance offenders against the church. Accordingly, Lewis Clifford, John Latimer, and John Montague were severally reprimanded for forwarding the petition of the Lollards.

#### § 19. DEMISE OF JOHN LA WARRE.—A.D. 1398.

On the 27th of July, 1398 (22nd of Richard the Second), the demise took place of John la Warre, baron of Manchester, without issue, his son of the same name having died *ante patrem*. He was succeeded by his brother in holy orders, Thomas la Warre.

John la Warre had been summoned in parliament various times from the 44th to the 50th of Edward the Third, and from the 1st to the 21st of Richard the Second. A short time before he died, his attendance against his will in any future parliament, or wars, was dispensed with.

He died possessed of the manors of Manchester, Ashton-subtus-Limam, and of Isfield, in Sussex. Other manors mentioned were in Gloucestershire, Somerset, Chester, Derby, Hants, Wilts, North Lincoln, and Notts, together with the castle of Bristol.

As the period in which John la Warre lived forms an epoch in the ecclesiastical history of our country, it is deeply to be regretted that so few of the local affairs of Manchester stand recorded;—for it is certain, from the events which succeeded, that a great change must have taken place in the public mind on ecclesiastical questions, so as to lead to the foundation of a collegiate church, in the place of the existing rectory. This will be shewn in the subsequent chapter.

Nor is it less to be regretted, that we know so little of the early life of Thomas la Warre, the founder of the college.

It is to be presumed that Thomas la Warre continued the rector of Manchester during the whole of this period, but the names of the chaplains associated with him are very little known. We read of a Nicholas de Prestwich, chaplain, who in the 22nd of Richard the Second, 1398, gave to Margery de Barlow, for term of life, two burgages

in Manchester.—[Baines's *Lancashire*, vol. ii, p. 194.] But whether Nicholas de Prestwich was a chaplain of Manchester, is uncertain.

## CHAPTER V.

### IN THE TIME OF THOMAS LA WARRE, THE TWELFTH LORD OF MANCHESTER.

In 1398, by the death of John la Warre without issue, Thomas la Warre, clerk, the brother of the baron, became heir to the barony of Manchester, and to all other family estates.

It is said, that from the 23rd of Richard the Second, he procured a special dispensation from attending the king in any of his parliaments, or councils, for the term of three years.

As Thomas la Warre was in holy orders, there seems to have been some little difficulty, under what title to summon him to parliament. In “the proceedings and ordinances of the privy council,” I find him to be named “Le Sire de la Warre.”—[Vol. i, p. 157 and 202.] In the rolls of parliament at Westminster, he was mentioned under the title of “Magister Thomas de la Warre.”—[*Charters of the Duchy of Lancaster*, edited by Mr. Hardy, p. 149.] And in another official document of the privy council, he is cited as “Dominus de la Warr.” Lastly, in a formal deed of conveyance, wherein he was a party, he is styled “Thomas, Dominus la Warre, dominus de Mainestre.” Agreeably to the two latter authorities, I shall venture on the designation of “Thomas la Warre, the twelfth lord of Manchester,” with this remark, that he is to be found in some deeds under no other title than “Thomas la Warre, clericus.”

But before proceeding with this local history, some brief sketch of the civil and ecclesiastical state of the country may be deemed necessary.

About this time, Henry, Earl of Bolingbroke, was banished the realm, which event was soon followed by the demise of the father, John of Gaunt, Duke of Lancaster, who died on the 3rd of February, 1399 (in the 22nd of Richard the Second), it is said from grief.

Soon afterwards, Richard the Second was charged with having governed tyrannically, and violated the oath made to his people. His crown he was forced to abdicate in favour of his uncle's son, Henry, Duke of Lancaster, who, upon his elevation, conferred the title of Duke of Lancaster on his eldest son.

When Henry the Fourth found himself established in his kingdom, he recollected, that, during his struggle for the throne, the ecclesiastical interest

had been the most efficient in supporting his pretensions. He, therefore, sought to retain the clergy in his interest; but they were high in their demands, and nothing could satisfy Arundel, who had succeeded Courtenay in the primacy, than that the king should proclaim himself "Protector of the church against the designs of the Lollards." In consequence of a petition from the clergy to the House of Commons, supported by the influence of the king, the statute "*de heretico comburendo*" was passed, which was said to have been founded not on the common law of Europe, but to have been derived from the canons of the church.

By this statute, no one was to preach or engage in religious instruction without license from proper authorities, such as the diocesan of the place where he resided. Within the term of forty days all books containing doctrines opposed to the determinations of the church were to be delivered to the ecclesiastical officers. All who joined prohibited conventicles, or who favoured them, might, at the instance of the ordinary, be committed to the bishop's prison, there to be dealt with at his pleasure during a period not exceeding three months; and if, at the end of this term, the culprit should retain his errors, or if, after abjuring them, he should relapse, the local officers, both civil and ecclesiastical, might confer together, and, if still obstinate, the offender, after sentence had been duly pronounced, might be burned in the sight of all men.

This act was followed by the well-known constitutions of Arundel, which were passed by the convocation. They were evidently dictated by the conviction of a weakness in the belief of the papal supremacy, whence the extravagant terms in which the reigning dogma was expressed. The pontiff is represented as filling the place,—not of humanity, but of the true God,—as bearing the key of eternal life and death,—against whose decisions, such as oppose their judgments, incur the guilt of rebellion and sacrilege. In this authoritative spirit it was decreed, that no man should henceforth preach without a license of his ordinary, or diocesan,—that he should be restricted in his discourse to the authorised limits laid down in consideration of the ignorance of priests,—and that an interdict should apply to every church admitting an heretical preacher. The schoolmaster was forbidden to mix any religious opinions with his tuition, while his scholars were equally warned against the peril of reading the vernacular scriptures, or of discussing the sacraments of the church. The books written by Wycliffe, with the exception of such as might meet with an authorised approval, were to be banished from all

schools, halls, or hospitals. No one was to translate any text of scripture into English on his own authority, or dispute any decretals and constitutions of holy church, but more particularly such as enjoined pilgrimages to the shrines of saints, adorations, and various other ceremonies. A contempt of these warnings to be liable to the penalties awarded in the statute against heresy, and persons suspected of heresy, or Lollardism, to be summoned, and, on their refusal, to be adjudged guilty and punished.—[History of England, by Mortimer, vol. i, p. 696, and Vaughan's Wycliffe, vol. ii, p. 394.]

In these decrees, the clergy met with every support from the king, but more particularly when they contributed freely from the revenues of the church in aid of the taxes levied, which the archbishop proposed to so adjust in amount, as to equal, if not exceed, the value of the personal services demanded from the laity. Henry then declared, that he would always maintain the rights and privileges of the church.

Such was the ecclesiastical crisis when Thomas la Warre entered upon the possession of his barony. Of the exact state of the church of Manchester at this time, we have no information, and we are as little acquainted with the civil condition of the town. A practice became very frequent, of creating, by royal charter, in borough towns, municipal corporations,—from the very dubious advantages of which, both Manchester and Salford were excluded. It has been observed by Merryweather and Stephens (see p. 803 of their work), that incorporations of this kind were for the purpose solely of giving a municipal corporation the power of purchasing and holding lands, and of suing and being sued by its corporate name, and that, when corporations were thus commenced, they were not designed, nor had they the effect in the least degree, of altering the general law of the land with respect to freemen, or the laws, usages, and internal government of boroughs with respect to burgesses. Freemen, burgesses, and boroughs, were still left unchanged, having only the additional power superinduced upon them, of being possessed of property and of suing as bodies corporate.

#### § 1. NAMES OF TWO CHAPLAINS IN MANCHESTER ABOUT THE YEAR 1405.

In the 5th year of Henry the Fourth,—as it would appear from the copy of an old deed of the late Mr. Barritt, preserved in the Chetham Library,—John Fawkes and Roger de Hayward were chaplains of the church of Manchester.

§ 2. THOMAS, LORD LA WARRE, MADE PREBENDARY OF SOUTHWELL.

On the 29th of September, 1407, Thomas la Warre was made prebendary of Southwell, in Nottinghamshire, on the resignation of Thomas de Moston.—[Browne Willis's Cathedrals, vol. i, p. 158.] He would hold this and other dignities at the same time with his living in Manchester.

§ 3. THE DISPERSION OF THE SCRIPTURES AT THIS PERIOD.

The first successful attempt to render adoration less symbolic, and thus to popularize among the masses the essential principles of reform, was due to Wycliffe. He was the first to conceive, that the sacraments of the church, in conjunction with the holy scriptures, formed the whole of what might be regarded in Christianity as the true and the legitimate. While his earliest object, therefore, was to render the sacraments less symbolic,—his second, was to promote in an un mutilated state the dissemination of the holy scriptures.

The earliest translation of the scriptures into the English language, is said, by Dr. Wiseman, to have been incorrectly attributed to Wycliffe. He has stated in his lectures [vol. i, p. 53, &c.], that there existed English versions of the Bible long before this period,—which opinion he supports by a quotation from Sir Thomas More's dialogue concerning heresies [B. III., c. xiv., p. 232], wherein it is asserted, that "the Hole Byble was long before his [Wycliffe's] dayes, by vertuous and well lerned men translated into the English tong, and by good and godly people with devotion, and soberness, wel and reverently red."

This assertion of Sir Thomas More can only apply to the complete translation of the holy scriptures by John de Trevisa, in 1357. A cotemporary, Knighton, a canon of Leicester, in bitter accents of dissatisfaction, complained, that this master, John Wycliffe, "by translating Christ's gospel, had made it vulgar, and had laid it more open to the laity, and even to women who could read, than it used to be to the most learned of the clergy, and those of the best understanding."—[Gilpin's Life of Wycliffe, p. 38.]

If Sir Thomas More had stated, that, with one exception, parts only of the holy scriptures had been translated, accompanied (as they frequently were) with disquisitions, or annotations, he would have been more explicit. Wycliffe, before he undertook his complete translation, was in the habit of doing the same. He had previously, and not unfrequently, invited the attention of his

proselytes to detached portions of the holy scriptures, as is shewn in his observations on the ten precepts,—in his exposition of the Lord's Prayer,—in his commentaries on the psalter,—on the Pharisee and the publican,—on the Lord's sermon on the mount,—on the contrariety of the two masters,—or in his discourses on the epistles. But it was his actual translation of the entire, or nearly so, of the scriptures, which, like that of Trevisa, most responded to the wants of the age.

It would be satisfactory to learn, to what extent Thomas la Warre was actually affected by the doctrines of the great reformer. Regarding the tenets of his two kinsmen, Sir Thomas Latimer and Sir Lewis Clifford, no doubt whatever can subsist. The former, in a written request concerning his funeral obsequies, prohibited "any cost about his burying, neither in meat nor drink," and omitted the usual recommendation of his soul to the care of the virgin, and of the saints;—while Sir Lewis Clifford, the old friend, kinsman, and trustee of John la Warre, who died in the 5th of Henry the Fourth, simply committed his spirit to the grace, and to the great merit of the Trinity.

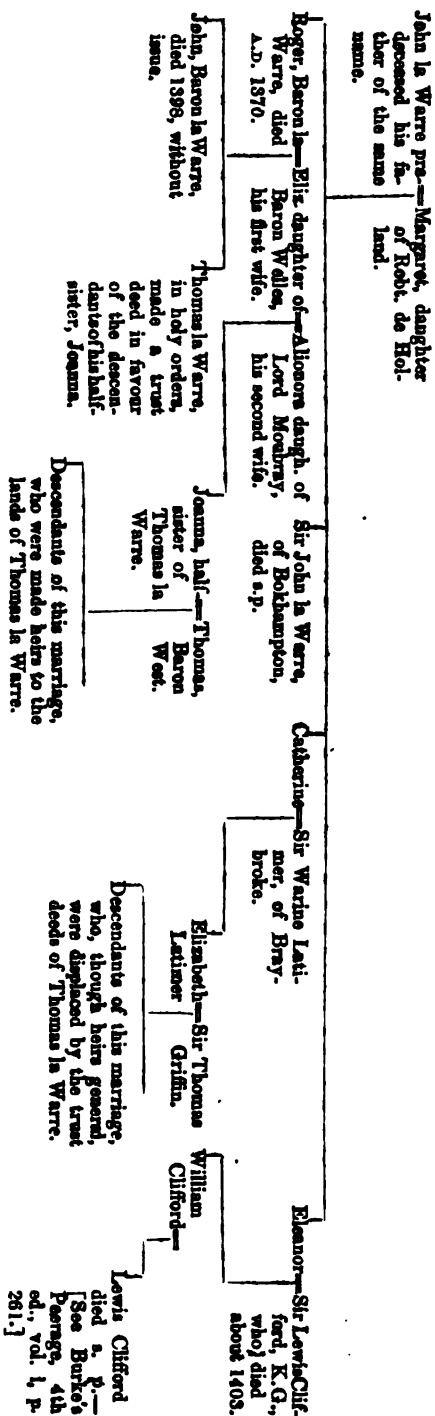
§ 4. THOMAS LA WARRE MAKES A TRUST DEED IN FAVOUR OF THE DESCENDANTS OF HIS HALF-SISTER, JOANNA, WITH THE VIEW OF DISPLACING THE TRUE HEIR OF THE GRIFFIN FAMILY.

Unless the existence of such a trust deed and its object be at least supposed, it would be impossible to comprehend much of the language of the various deeds connected with the foundation of the Collegiate Church by Thomas, Lord la Warre, then in holy orders. For this purpose, I have sketched out, in a plan, the genealogical relations in which Thomas la Warre stood to the West family, whom he was desirous should be his successors, and to the Griffins whom he sought by a trust deed to displace.

In reference to the following plan, it is evident,

First,—That as John, Baron la Warre, died in 1398, the manor and estates had descended to Thomas la Warre, who, being in holy orders, was precluded from marrying:—and

Secondly,—That, upon the death of Thomas la Warre, the manors and estates of which he was possessed would have descended to his heir-at-law, the representative of the Griffin family, a distant relation of Thomas la Warre, to the exclusion of his half-sister, Joanna, wife of Thomas, Lord West, and her issue.



In order, therefore, to obviate the effects of this legal heirship, in the person of the representative of the Griffin family, Thomas la Warre appears to have vested his estates in trustees,—in trust for himself for his life, and, after his death, in trust for his half-sister, Joanna, and her issue.

The mode by which this alienation of the property from the pretensions of the legal heir, a Griffin, was accomplished, appears to have been by what was then named, *deforming a levy*, "*deformando levatum*,"—an imaginary process of law, resembling what was called, at rather a later period, the levying of a fine. To this deformation of a levy, allusion has been already made in page 107 of this history.

Atkyns, however, in his history of Gloucestershire, says, that in the 12th of Henry the Fourth, Thomas, Lord la Warre, clerk, actually levied a fine of the manor of Wickwarr, for the use of himself in tail, the remainder to Reginald West, son of Thomas West.—[Atkyns's Gloucestershire, p. 429.]

It may be incidentally remarked, that Sir Thomas Latimer (a leader of the Lollards), son of Sir Warine Latimer, does not appear in the genealogical table. He died without issue, and was succeeded by his brother, who also died s. p.

#### § 5. THE TRUSTEES NOMINATED BY THOMAS LA WARRE, WHEN PROVIDING FOR THE SUCCESSION OF THE FAMILY OF WEST.

In some deed which Thomas la Warre made, the object of which was to vest his estates in trustees,—in trust for himself during his life, and, after his death, in trust for his half-sister, Joanna, and her issue, the trustees would have been as follows:—

THOMAS LONGLEY [or LANGLEY] bishop of Durham.

WILLIAM THYRNYNG, miles.

JOHN HENEGE.

NICHOLAS MOTTE, parson of the church of Holthyn.

WILLIAM AUNCCELL.

JOHN OVERTON,—and

RICHARD FRYTH.

Of these trustees, the names of John Henege and Thomas Longeley, bishop of Durham, are the only ones of whom I can find any record.

John de Henege, or Heneage, of an ancient Lincolnshire family, was possessed of the manor of Haynton, in Lincolnshire, which formerly had passed into the possession of the family of La Warre, but which, in the 21st of Richard the Second, was repurchased by this descendant.—[Burke's Commoners, vol. iv, p. 103.]



Thomas Longeley, or rather Langley, was a personage of some moment in this history, as having greatly exerted himself, in a subsequent period, towards giving effect to Thomas la Warre's foundation of the college of Manchester, for which reason some little knowledge of his history is desirable.

Thomas Langley, bishop of Durham, is said to have been the son of Sir Thomas Langley, of Agescroft, near Manchester, born, by computation, about 1370.—[Biography of Thomas Langley, as given by Mr. Whatton in Baines's Lancashire, vol. iii, p. 152.] But, according to a more authentic account, the bishop was not "a Lancashire worthy," but was the younger of the two sons of William Langley, of Langley, in the bishopric of Durham; the older son, Henry, settling at Dalton, in the West Riding of York, and being the founder of the house of Langley, of Higham Gobion, Co. of Bedford.—[Burke's Extinct and Dormant Baronetcies, 2nd ed., p. 298.]

Thomas Langley was brought up in a monastery of Norfolk;—he completed his education at Cambridge, and was ordained priest;—he was a faithful retainer of the house of Lancaster, to whom he was so well recommended by his virtues, that he was appointed an executor of the will of John of Gaunt. Soon after the accession of Henry the Fourth, he was installed prebendary of York, and made archdeacon of Norfolk;—afterwards, he was elected dean of York;—in 1405, he was made chancellor of England;—subsequently, upon the execution of Archbishop Scrope for his share in the rebellion of the Percies, he was nominated to the primacy of York, but, for some unknown reason, was never installed, having been removed, in 1406, by papal provision to Durham, when he resigned the great seal:—upon the occasion of this last ecclesiastical preferment, a royal charter makes mention of the venerable father, now bishop of Durham, as having obtained the special affection of the king, "*qui tam charissimo patri nostro Johanni, nuper Duci Lancastrie defuncto quam nobis in agendis nostris regni nostri, ab annis teneris laudabiliter deservientem et obsequiosum se exhibuit, et nobis exhibet inde fecisse.*"—And, in the last place, on the 6th of June, 1411, by a bull of John the Twenty-second, he was created cardinal.

§ 6. A DEED RELATIVE TO THE INFREUDATION OF ASHETON-UNDER-LINE, BY WHICH A TRUST SETTLEMENT OF THOMAS LA WARRE IS IMPLIED.

As the construction of the chartularies connected with the foundation of the Manchester College must be imperfectly understood, without

supposing the existence of an important trust deed of Thomas la Warre, the hypothesis will be strengthened in reference to the arrangements demanded by the subinfeudation of Ashton-under-Line.

It would appear, that in the 13th of Henry the Fourth, Sir John of Ashton, who [by subinfeudation] held the manor of Ashton of Sir Richard de Kirkeby, by fealty and one penny rent, was found to hold the manor of Assheton, with all its appurtenances, of Thomas, Lord la Warre, lord of Manchester, by fealty and the service of rendering annually twenty-two shillings and one hawk, or forty shillings, and a contribution, called "putura," to the maintenance of the foresters of Horwich and Blakeley, as part of the manor of Assheton.—[Baines's Lancashire, vol. ii, p. 535.]

According to Dr. Ormerod, this contribution proves Ashton to be what, in Cheshire, was called "a wareland," within the chase of Blakeley.—[Memoir on the Stanley legend, in the Collect. Topog. et Genealog.] The term putura, conjectured to be a corruption of pastura, is explained by Du Cange, as "*jus gisti, seu procuracionis, quo dominus a vassallis hospitio et convivio excipitur;*"—a procuration, which, in this instance, was transferred to the support of the foresters of the lord of Manchester.

With this explanation, I shall proceed to describe the deed of confirmation, by which, after the death of Thomas la Warre, the complexity of a subinfeudation was somewhat obviated, by John de Ashton, chevalier, holding from Thomas Langley, bishop of Durham, William Thyrnyng, John Heneage, and others.—[See Baines's Lancashire, vol. ii, p. 535, where the deed is given from the Harleian collections. As I have not the opportunity of consulting the original documents, Mr. Baines's copy is followed, in which the marks of abbreviation, often incorrectly given, are avoided, and a few evident mistakes corrected.]

Omnibus Christi fidelibus ad quos presens scriptum indentatum peruenerit Thomas Longeley Episcopus Dunelmensis Willielmus Thyrnyng Miles Johannes Henege Nicholaus Mott persona ecclesie de Swynesheuede Ricardus Lumbard persona ecclesie de Holthyn Willielmus Auncell Johannes Overton et Ricardus Fryth Salutem in Domino. Cum Johannes de Asshton chevalier teneat manerium de Asshton cum pertinenciis in comitatu Lancastrie de Thoma domino la Warre domino de Mainceastre per fidelitatem et servicium reddendi per annum viginti duos solidos et unum ancipitem vel quadraginta solidos ad puturam forestariorum de Herwiche et Blakeley vt de manerio de Mameceastre quod quidem manerium de

Maincestre dictus Thomas la Warre tenet ad terminum vite sue ex concessione nostra reversione inde post mortem predicti Thome Domini la Warre nobis et heredibus nostris spectanti Infra que quidem maneria de Maincestre et Asshton tam idem Thomas la Warre et antecessores sui quam nos et illi quorum statum habemus in predicto manerio de Maincestre habemus habent et habuerunt a tempore cujus contrarii memoria hominum non existit Visum franci plegii et quicquid ad visum Franciplegii pertinet Tolnetum picagium et stallagium tanquam pertinent dicto manerio de Maincestre Noueritis nos concessisse predicto Johanni de Asshton heredibus et assignatis suis totum statum nostrum quem habemus in Visu Franciplegii et omnibus que ad visum Franciplegii pertinent de omnibus tenentibus et residentibus infra dictum manerium de Asshton et villam de Asshton unacum tolneto picagio et stallagio infra manerium et villam predictam Et ulterius volumus et concedimus pro nobis et heredibus nostris quantum in nobis est quod prefatus Johannes de Asshton heredes et assignati sui post mortem dicti Thome domini la Warre habeant imperpetuum infra dictum manerium de Asshton et villam de omnibus tenentibus et residentibus infra predictum manerium de Asshton et villam Visum Franciplegii et quicquid ad visum Franciplegii pertinet tolnetum picagium et stallagium adeo libere et integre sicut dictus Thomas dominus la Warre antecessores sui nos seu illi quorum statum nos habemus in predicto manerio de Maincestre habet habuerint seu habemus. Ita quod nec nos nec heredes nostri nec aliquis nomine nostro aliquem Visum Franciplegii siue aliquid quod ad visum Franciplegii pertinet siue de jure pertinere poterit de tenentibus et residentibus infra dictum manerium de Asshton et villam exigere habere vel vindicare poterimus in futuro sed inde totaliter sumus conclusi [*inclusi, Kuerden*] per presentes. Et ulterius noveritis nos concessisse pro nobis et heredibus nostris quod predictus Johannes de Asshton et heredes sui post mortem predicti Thome Domini la Warre quieti sint et exonerati erga nos et heredes nostros de viginti uno solidis et vndecim denariis de predicto redditu viginti duorum solidorum et de redditu ancipitis predicti Ita tamen quod predictus Johannes de Asshton et heredes sui teneant dictum manerium de Asshton cum pertinentiis de nobis heredibus et assignatis nostris post mortem predicti Thome domini La Warre per fidelitatem et redditum unius Denarii solvendi annuatim ad festum Natiuitatis Sancti Johannis Baptiste et per servicium exhibendi puturam forestariorum predictorum pro omnibus aliis seruiciis quem quidem redditum viginti unius solidorum vndecim de-

nariorum et ancipitis predicti prefato Johanni de Asshton heredibus et assignatis suis pro nobis et heredibus nostris post mortem predicti Thome Domini la Warre remittimus et relaxamus imperpetuum per presentes.....In cujus testimonium unius partis huic scripto indentato penes predictum Johannem de Asshton remanenti sigilla nostra apposimus Alteri vero parti penes nos remanenti predictus Johannes de Asshton sigillum suum apposuit Hiis testibus Radulpho de Stanley chevalier Johanne de Pekyngton chevalier Johanne de Hilton, Ricardo de Radecliff Adamo de Leuer et aliis quam plurimis Datum apud Swyneshed in festo Sancti Mathie Apostoli anno regni Regis Henrici quarti post conquestum tercio decimo.

In the following reign, an indenture of confirmation was made and executed by the same bishop, John Heneage, and others, of which the following is an abstract and summary:—

"Twenty-fifth of February, 1413, First of Henry Fifth. By indenture from Thomas Longley, bishop of Durham, John Heneage, and others. Whereas, Sir John de Asshton, holds the mannor of Asshton-under-Lyne, and the appurtenances in Com. Lan., of Sir Richard de Kirkeby, by fealty and one penny rent, which said Sir Richard holds the same of Thomas, Lord la Warre, lord of Maincestre, by fealty, and the yearly rent of twenty-two shillings, &c., as of his mannor of Maincestre, which said Sir John de Asshton is bound to discharge the said rent of twenty-two shillings to the said Lord la Warre, as chief lord, for the said Sir Richard Kirkeby, by virtue of a fyne, the 12th of Edward the First, between the ancestors of the said Sir John de Asshton and Sir Richard de Kirkeby, which said mannor of Maincestre, and Asshton-under-Lyne, as well the said Lord la Warre and his ancestors, as we and they, whose estate we have in the said mannor of Maincestre, have had time out of mind, view of frank pledge, and what to view of frank pledge belongeth, tollage, fishery, and stallage, as belonging to the said mannor of Maincestre."

#### § 7. THE CELL OF KERSALL IS RELEASED FROM ITS OBEDIENCE TO THE ABBOT OF CLUGNI.

It has been remarked by Dodd of the reign of Henry the Fifth, "that, when Henry's predecessors seized alien priories, they often bestowed part of the revenues of the same upon the laity; but that this religious king either repaired these houses, and made them denizen, or ordered their revenues to be transferred upon some other community." Tierney, however, a far better historian, remarks in a note upon this passage, "that other sovereigns

had seized the alien priories only for the term, or duration of an existing war, but that by Henry, these establishments were for ever dissolved, and their revenues confiscated to the use of the crown;"—which dangerous precedent, to use the language of Collier, "led the way to larger measures of the same kind in the reign of Henry the Eighth."—[Tierney's ed. of Dodd's Church History, vol. i, p. 161.]

It was in the course of these proceedings that this cutting off of the Cluniac monasteries in England from their obedience to the abbot of Clugni may be dated, upon which occasion, according to Dugdale, all the priors, under their respective titles of the Cluniac order, subscribed to the deeds of their surrender. At this time, then, the cell of Kernall, which was attached to the Cluniac monastery of Lenton, in Nottinghamshire, became released from its obedience to the abbot of Clugni.

This act was in keeping with the measures of parliament in the reign of Henry the Fifth, the very first of which contemplated the application of the lands and possessions of the church to the service of the state, in which resolution they were prevented by the policy of Chicheley, archbishop of Canterbury. The clergy were, then, fain to promise to Henry a greater sum for the maintenance of his expensive wars, than had ever been granted to an English king.

Henry was so overcome with this munificence of the clergy, that he interfered in the least possible degree, to restrain their desire for the blood of heretics.

§ 8. PRECEPT ISSUED TO THE SHERIFF OF LANCASTER AGAINST THE LOLLARDS OF THIS COUNTY.

I have described the humble agents through whom Wycliffe sought to popularize through the most sequestered districts of England the principles of reform, and, that Lancashire was included in the mission, will be pointed out shortly.

The growth of heresy long continued to be the subject of councils. It was enacted, that all magistrates and other officers of government should be sworn to assist in the extirpation of heresy;—that all state officers, upon assuming their functions, should endeavour to discover the heretics, called Lollards, whose intention it was to subvert the Christian faith, the law of God, the church, and the realm; that they should assist the ordinaries in prosecuting and convicting them, and that all heretics, even those who read the scriptures in English (then called Wycliffe's learning), if convicted before the proper tribunals, should forfeit all the lands they had in fee simple, and all other

goods and chattels, to the king; that the sheriff, without writ or warrant from the king, might of himself proceed in condemning such offenders, as heretics to God, enemies to the crown, and traitors to the kingdom; that they should not have the benefit of any sanctuary; and, that if they continued obstinate or relapsed after pardon, they should first be hanged for treason against the king, and then burned for heresy against God.—[Parl. Hist., I., 324. April 30, 1414.]

In conformity with these instructions, a precept was issued to the sheriff of Lancaster against the Lollards.

That the church of Manchester, in the usual sanctuary which it afforded to offenders against the laws, refused to harbour the Lollards, has been asserted, but without any evidence, more than tradition, for the statement. It is said, that in the case of an individual who fled to the church for sanctuary, one of the Strangeways family killed the heretic at the high altar.

This was the period when the doctrine of transubstantiation became the test for bringing many reformers to the stake, among whom was Sir Thomas Overbury, Lord Cobham. On the death of Arundel, the primacy had passed to Henry Chicheley, the cruelty of whose courts far surpassed whatever was conceived possible to be done, even through the immediate influence of the pope. In fact, the numerous protestations against legatine courts, aided by the influence of the crown, had, in the course of time, so much divested them of their ancient spirit of tyranny and injustice, that in the time of Lollardism, Sir Thomas Overbury attempted to throw himself upon the mercy of the Roman see, rather than upon the archbishops' tribunals.

These persecutions were only relaxed when the public mind was diverted to the splendid conquest of France, in which the yeomen of England, who accompanied their masters to the field of Agincourt, acquired unfading honours:—

And you, good yeomen,  
Whose limbs were made in England, shew us here  
The mettle of your pasture; let us swear  
That you are worth your breeding, which I doubt not;—  
For there is none of you so mean and base,  
That hath not noble lustre in your eyes.

SHAKESPEARE'S HENRY THE FIFTH, Act III. Scene 1.

§ 9. THOMAS LA WARRE COLLATED PREBENDARY OF NORTH-KELSEY.

It appears, from Godwin, that upon the death of Hugh Hanworth, Thomas la Warre was collated, in 1418, prebendary of North-Kelsey, which, it is added, consisted of the impropriation and advowson of Kelton, in the county of Rutland.

## § 9. THOMAS LA WARRE STYLED DECANUS DECANATUS DE MAMCESTRE.

That Thomas la Warre was styled "decanus decanatus de Mamcestre," as well as rector of Manchester, is shewn in deeds of the date of 1421, shortly to be described. But this is no proof whatever of Mr. Whittaker's assertion, that the two offices of dean and rector were invariably united in the same person. In the fifteenth century, the functions of the dean rural had been so reduced in amount and importance, as to be rendered of easy fulfilment, so that the office began to be regarded in the light of an honorary rather than an onerous distinction. In fact, many of the contentions which had formerly a hearing before the dean, were, as I have previously shewn, adjusted by the archdeacon. Thus when in 1406, the inhabitants of Oldham were required to contribute towards the sacramental bread and wine which were consumed by the mother church of Prestwich, the decree to enforce this order was issued by the archdeacon. A few privileges, however, as, for example, a testamentary jurisdiction, when an estate was under forty pounds, as well as the right to proceed against all ecclesiastical offences save adultery and incest (see page 92), continued to a late date, though under such a watchful surveillance of the archdeacon of Chester, as that no rural dean, without sufferance, could ever claim or exercise a jurisdiction within the diocese of Lichfield.

## CHAPTER VI.

## THE MOTIVES FOR COLLEGIATING THE PARISH CHURCH OF MANCHESTER.

But we now approach the year 1421, when Thomas la Warre proposed that the parish church of the town should be collegiate. It will, therefore, be expedient to glance at the social state of Lancashire, and other parts of the kingdom, at the time when this important change in the ecclesiastical constitution of the parish church of Manchester was first meditated.

The object which the founder of the college had in view, was two-fold;—the first arising from the extent and increased population of the parish of Manchester, and the second from the abuses of church patronage, whereby the rectors, instead of discharging their pastoral functions, had been accustomed to fill secular offices for the advantage of their patrons. These two motives I shall endeavour to elucidate in the course of the present chapter.

## § 1. THE EXTENT AND INCREASED POPULATION OF MANCHESTER FORM A MOTIVE FOR COLLEGIATING ITS PARISH CHURCH.

The void in the social system of England, which had been induced by the gradual disappearance of villeins, who were silently yet steadily acquiring their emancipation, was replaced by the increase of husbandmen and yeomen. Many of the great landed proprietors began to be fully impressed with the necessity of ameliorating the condition of their villeins, whence the privilege, which was conceded in a majority of cases, to their enjoying the fruits of their respective labours. The husbandman, as he was then named, found himself at liberty to cultivate his peculiar talents and tastes as an artizan, and cities and towns, in all parts of the kingdom, began to be crowded. It was at this period, that the church of Manchester was described as possessing not only a wide and extensive parish, but also one which was very populous:—"Ecclesia de Mamcestre largam et amplam habens parochiam atque multum populosam."—[From the preamble to the Charter of Foundation, dated 1421.]

## § 2. CAUSES OF THE INCREASE OF THE CLASS OF YEOMEN.

The parish of Manchester was not merely getting more populous, but it was also becoming more wealthy. This was owing to the increased number of yeomen who were springing up, which increase may be referred to the following causes:—First, to the demand for the personal services of yeomen in the field of foreign warfare;—Secondly, to the rage for estimating rank by the number of yeomen who were supported as domestic retainers;—Thirdly, to the increase of trade and the means afforded to husbandmen and artizans of purchasing lands, so as to qualify themselves as yeomen;—and, Fourthly, to the incorporation of numbers of the reduced gentry among the class of yeomen. These causes will be briefly explained.

In the first place, the class of yeomen was increased owing to the demand for their personal services in the wars. These hired warriors, selected from the agricultural labourers of England, appear to have rendered eminent services to the baronial, or manorial, lords whom they accompanied to the field of combat, as was shewn in the battles of Cressy and Agincourt. They wore upon their arms various badges, indicative of the heraldic distinctions of their masters, and were also arrayed in some livery of a particular colour, so named because the "livery," that is, "delivery," was the gift of the lord.

Honest yeman in every toun  
War wont to weir baith red and broun.

DUNBAR'S POEMS.

In the second place, the class of yeomen was increased owing to the rage which existed for estimating feudal influence by the number of retainers whom a lord, on all occasions of armed defence and aggression, or even for the sake of mere pomp and ceremony, could afford to entertain and support. While an esquire, or knight, could boast of a certain number of yeomen held by him as retainers, the amount would be increased in the retinue of the baron, while the earl would display still more, and so on in ascending the scale of rank, until the halt was made at royalty.

By this practice, so powerful had some nobles become, that coalition was encouraged, whence a certain number of them would be in a state capable of overawing the sovereign himself; and hence, in the 2nd of Henry the Fourth, it was enacted, that no yeoman should take or wear any livery of any lord upon pain of imprisonment, and of making fine at the king's pleasure. But even the royal interference had little or no effect upon the custom of maintaining yeomen as retainers, while, in many instances, the proclamation was evaded, by the younger sons, or brothers, of the gentry, too often in a needy or decayed state, having been induced, yeomanlike, to themselves appear, upon all occasions of defence, aggression, or mere ceremony, in the quality of retainers. There had even prevailed, among landed proprietors, a spirit of mutual accommodation, after the manner of the Scottish bond of manrent, to act for each other as retainers, provided only, that in all such instances, the personage served should be of a rank superior to the person serving. For instance, it was required that the knight should not appear in the retinue of the squire beneath him, but in that of the baron, earl, or duke, whoever he might be, above him, and that the services of the baron should, in like manner, be restricted to the ranks above him, and so on. Still, however, the service of a yeoman was held in the greatest repute of all, being far more effective on all occasions of warfare, or private frays, than that of any other rank whatever, whence the common by-word of "a yeoman's service," in which sense it is used by Shakespeare. Thus Hamlet, in lauding the advantages of writing legibly, and not illegibly, after the fashionable manner of ancient, no less than of modern statists [or statesmen], observes,

I once did hold it, as our statists do,  
A baseness to write fair, and labour'd much  
How to forget that learning; but, sir, now  
It did me YEOMAN'S SERVICE.

But, it is evident, that such a command of the services of yeomen and others could not be procured without a heavy expense of remuneration. Lands were, accordingly, given to husbandmen, previously of the rank of villeins, who, as we have already traced in the barony of Manchester, were thus advanced to the rank of yeomen. And, after this manner, to use the words of an early English historian, "landed proprietors did amortize a great part of the lands of the kingdom unto the hold and occupation of a middle people, of a condition between gentlemen and cottagers." These petty freeholders, or Franklins, as they were then named, having been first called into political existence by the exigencies of the tented field, or by requisitions of mere feudal pomp and display, were severally encouraged to possess themselves of an immediate interest in the land, to the defence or dignity of which they were contributing;—the qualification having been a forty shillings freehold, said to have been equal, in yearly revenue, to about sixteen pounds of our current money, whence they became the *homines legales* of writs and inquests.

It may be, therefore, now remarked, that the possessions which in the early times of the Gracians had rendered the barons of Manchester so powerful, no longer subsisted. The barony of Manchester, like most other parts of the kingdom, had been carved out, and still further subdivided into countless portions, with the view of enlisting yeomen. This was evinced whenever the barons had occasion for their services in the expensive campaigns of Scotland, of the Low Countries, or of France, or whenever they sought for an ostentatious display of baronial influence, which was usually measured by the number of retainers under the beck of a lord.

But, in the third place, a new character had been given to the increased population of Manchester by the increase of trade which had taken place, so as to afford artisans the means of purchasing lands, and of thus qualifying themselves as yeomen. In short, a most salutary change had succeeded to the disturbed period when commerce struggled under feudal oppressions of the most galling denomination, from which it was only liberated by rebellious excitements, which, after commencing in the south of England, had extended even to Lancashire and the adjoining counties. The Men of Kent, who first appeared under Wat Tyler, in hostile array against their oppressors, were advancing themselves from the condition of villeins and bondage tenants to that of opulent yeomen, agreeably to an old adage, which, in my younger days, I have often heard repeated,—

A knight of Cales [*Calais*],  
 A gentleman of Wales,  
 And a laird of the North countrie,  
 A yeoman of Kent,  
 With one year's rent,  
 Would buy them up all three.

Among the causes to be assigned, why the population of Manchester had not only become more populous, but also more wealthy, the principal was the great increase of the social class intermediate to the husbandman and the esquire. The yeomen of England were amassing much wealth by the industrial arts introduced from Flanders, which they were anxiously promoting. The effect of agricultural industry, when combined with, or made subservient to, commercial enterprises and advancement, may be readily imagined. The yeoman, by the superior management of his farm, in conjunction with the woollen manufactures which he was carrying on, was fast acquiring a competency and even affluence. Shakspeare gives testimony of the wealth of the ancient yeoman in his historical allusion to this precise period:—

Thy father bears the type of King of Naples,  
 Of both the Cicils and Jerusalem,  
 Yet not so wealthy as an English yeoman.

THIRD PART OF HENRY THE SIXTH, Act I. Scene 4.

It must be also remarked, that the yeomen were, in general, better educated than the classes above them, the cause of which it is not in every instance easy to explain, except that such was the dearth of learning, that the offices of church and state were ever open to the talents of scholars, however mean might have been their origin. Hollinworth notices a tradition, that so early as the reign of Henry the First, A.D. 1120, a yeoman of the name of "Martin Brian, some say Byrom, had given much money towards the building of a free schoole in Manchester, which if true," he adds, "the money was lost or some way or other wickedly alienated, which in the time of the civil warres" [that is, of the houses of York and Lancaster] "might easily have been done, for no free schoole was built of about four hundred years after." Unfortunately, however, the Manchester historian, who seems ashamed to own his authority for the narrative, has disingenuously quoted from nothing more than an ancient English romance, evidently of the time of Henry the Seventh or Eighth, which can have no other value than the mere idea entertained, that the first free school in Manchester did not originate in the commencement of the sixteenth century with Bishop Oldham, but with an opulent yeoman who flourished at a much more ancient date. The quotation from this most scarce work I shall give verbatim, without hazarding the conjecture to what extent it might have been suggested by some lively

tradition or history, the source of which might have been lost in the obscurity of by-gone ages:—"Then," says the romance, "there were three [clothiers] living in the North, that is to say Cuthbert of Kendall, Hodgekins of Hallifax, and Martin Byram of Manchester. Every one of these kept a great number of seruants at worke, spinners, carders, weauers, fullers, dyers, sheeremen, and rowers, to the great admiration of all those that came into their houses to behold them."—"Martin Briam of Manchester gaue toward the building of a free school in Manchester a great masse of money."—[See a modern reprint, by Ballantynes of Edinburgh, of Thomas of Reading, or the Sixe Worthie Yeomen of the West, from the sixth or later edition of 1632, being evidently that which Hollinworth consulted.]

In the fourth, and last place, the increase of yeomen was due to the incorporation within their ranks of many of the reduced gentry, who rather sought the opulence which the vulgar pursuits of commerce afforded than distinctions of blazonry, when under the baneful shade of a disreputable indolence and poverty. With this description of persons, who were early taught to revere the character of the Franklin, in part originated the commercial enterprise by which Manchester was for ages distinguished. According to an early writer, the outside of a Franklin, or small landed possessor, is that of an ancient yeoman of England. "His inside," it is added, "may give arms with the best gentleman, and ne'er see the herald. There is no truer servant in the house than himself. Though he be master, he says not to his servants 'Go to Field!' but 'Let us go!'—and, with his own eye, doth both fatten his flock, and set forward all manner of husbandrie."—[From Sir Thomas Overbury, his wife.]

Having thus learned to imitate the industry of the Franklin, or yeoman, many of the younger sons and younger brothers of landed proprietors, in the vicinity of Manchester, became wealthy clothiers:—"which art of clothing in those days," as the old writer, whom I have lately quoted, has explained to us, "was held in high reputation, both in respect of the great riches that thereby was gotten, as also of the benefit it brought to the whole common-wealth. The younger sons of knights and gentlemen, to whom their fathers would leave no lands, were most commonly preferred to learne this trade, to the end, that thereby they might live in good estate, and drive forth their dayes in prosperity."—[From Thomas of Reading, or the Pleasant Historie of the Sixe Worthie Yeomen of the West.]

We have thus shewn, that it was by the industry of these yeomen, who, in connexion with their agricultural pursuits, were wealthy clothiers, that the town and parish of Manchester had received a more than common influx of industrious artizans. Thomas, Lord la Warre, the patron and rector of Manchester, then found, that such an increased population had very serious religious wants demanding to be supplied, as a remedy for which, he proposed to withdraw the parish church of Manchester from the charge of a rector, and to place the same under the government of a capitular body:—"ecclesiam de Mamcestr in ecclesiam collegiatam erigere."

But it is now time to remark, that while the varied objects which a collegiate foundation embraces had been suggested by the increased population of a large and wealthy trading parish, a more powerful motive must be sought for in the evils which the church had suffered in by-gone ages, under the abuses of patronage inflicted by the Greslets and more immediate ancestors of Thomas la Warre.—This motive will be next explained.

§ 3. THE ABUSES OF PATRONAGE FORM A MOTIVE FOR COLLEGIATING THE PARISH CHURCH OF MANCHESTER.

A little before the time when Thomas, Lord la Warre, meditated the foundation of a collegiate church in Manchester, the council of Constance had put an end to that great schism which had reigned nearly sixty years in Christendom, and Martin the Fifth, in 1417, had been acknowledged as true pope.

The patronage of the church of Manchester does not appear to have been interfered with by the pope, though, at the same time, the old question vexata was still kept alive relative to the papal encroachment upon the rights of patrons, by which foreigners were placed in vacant benefices. The last great agitation on the subject of provisions had occurred in the time of Wycliffe. When the commons addressed the king assuring him, that, under the existing system, every valuable benefice in the country would be engrossed by foreigners, they induced him to pass a new statute, declaring that if any person without the express permission of the king should farm or administer the benefice of any alien within the realm, so as to convey money or goods out of the kingdom, he should for such transgression incur the penalties prescribed by the statute of provisions and be placed out of the king's protection. Although these statutes would appear to have pressed hard upon the pope's jurisdiction, yet they were often set aside as if they had been

only made in terrorem. Not unfrequently, also, did the kings of England compliment the see of Rome with the revival of these privileges. As for Henry the Fourth, he had been so disturbed with the conspiracies at home against him, that he was fain to court alliance with the Roman see, and, therefore, at the recommendation of the pope, and to the displeasure of Arundel and the clergy, who remonstrated that the practise of provisions lessened the royal prerogative, he permitted many foreigners to be named to considerable benefices.

In the meantime, the complaints of the Lollards against the pope's provisors, often simoniously obtained, continued unrelaxed. For instance, in an apology for Lollard doctrines, lately published by the Camden Society, the author (supposed to be Wycliffe himself) writes as follows:—"The apostle saith, no man tak honour to himself, but if he be callid of God."—[Heb. v.]—"But now new lawis kennen, that he that most offrieth him, and most perseweth with gestis of hand, tunge, or seruise, he schal be preferrid to be holiar and abler, bi vertu of a ded bulle."

The mode in which the kings of England interfered with church patronage has been explained in the course of this history. William de Marchia, bishop of Bath and Wells, and Walter Langton, bishop of Lichfield, were successively employed in the treasury, and preparatory to their respective elevation to their sees, were remunerated by a plurality of benefices, of which the rectory of Manchester formed an integral portion. In the reign of Henry the Fifth, the efforts of the pope to regain his ancient privileges, were in some little degree checked by the civil government, and hence patrons of livings had no dependance save upon the king for the preservation of their rights of advowson.

But the real interests of the church had, perhaps, the most to fear from the corrupt and sordid practises of patrons themselves, as was very ably shewn by Wycliffe. With the truth of this exposure, Thomas la Warre, and the trustees of his barony acting with him, were perfectly satisfied, as their publicly declared motive for seeking to obviate the evils of patronage (before explained), which had flowed from the malpractises of his progenitors, was to restrict the powers of the patron, and to place the rectory of Manchester for ever under the protection, or surveillance, of a capitular body:—*Cum ipsi pie considerantes quod predicta ecclesia de Mamcestre largam et amplam habens parochiam atque multum populosam, temporibus retrocitatis per rectores consueverat regi et gubernari, quorum aliqui nunquam, aliqui perraro personaliter residere*

curarunt, &c., &c.....a serenissimo domino Henrico, Dei gracia, rege Angliæ.....[impetrauerunt,] ut ipsi dictam ecclesiam parochialem de Mamcestr in ecclesiam collegiatam erigere possint.

§ 4. THOMAS, LORD LA WARRE, OBTAINS THE CO-OPERATION OF THE BISHOP OF DURHAM, AND THE BISHOP OF LICHFIELD AND COVENTRY.

Corrupt as the church of England was in the fifteenth and preceding centuries, it is a mistake to suppose that the reformation, of which the seeds were already sown, did not owe much of its progress to the general sense entertained of its necessity by spiritual professors themselves. Robert Grossthead, bishop of Lincoln, so early as the middle of the fourteenth century exposed the vices of the clergy, in which he was followed a century afterwards by the still more energetic rector of Lutterworth, John Wycliffe. In the year 1421, Thomas, Lord la Warre, rector of Manchester, and the kinsman of the two great leaders of the Lollards, Lewis Clifford and John Latimer, imbibed a similar sentiment, his great motive for founding a collegiate church within the parish of which he was incumbent and patron, being not only the extent and increased population of the same, but the evils which in by-gone days had flowed from the abuses of patronage, of which he was anxious to prevent a renewal among his heirs and successors in the advowson. In proposing, therefore, to collegiate the parish church of Manchester, Thomas, Lord la Warre, derived the most valuable aid and co-operation from Cardinal Langley, bishop of Durham, as well as from William Heyworth, the newly-created and enlightened bishop of Lichfield and Coventry.

Cardinal Langley, bishop of Durham, to whose history allusion has been already made (see page 126), was then in the highest confidence of the English government. In 1414, he had been sent ambassador to France, in conjunction with the earl of Dorset, to propose a treaty of peace, and adjust the dowry of the Princess Katherine, as well as to enforce the demand of certain territories. He entered Paris with a retinue of six hundred men. In 1417, he had accepted the office of chancellor of England, the seals of which were at that time in his hands. Cardinal Langley was not only alive to all the abuses of church government, but he was even predisposed in favour of the 11th article of the "Rationes et motiva" attributed to Wycliffe: "Nullus prælatus debet aliquem excommunicare, nisi prius sciat ipsum excommunicatum a

Deo: et qui sic excommunicat, fit hæreticus ex hoc, vel excommunicatus." Imbued with this sentiment, Cardinal Langley in repairing at his own expense a beautiful western chapel within the cathedral church of Durham, placed a font within it, where persons labouring under sentence of excommunication might be allowed to bring their children to receive baptism, and to partake themselves of the sacramental offices. He named the interesting chapel, thus appropriated to the consolation of the desponding, THE GALILEE. "Ite nunciate fratribus meis, ut eant in Galileam: ibi me videbunt!"—[Matt. xxviii. 10. "Go tell my brethren that they go into Galilee, and there shall they see me."]

Cardinal Langley, who was a trustee under the important deed by which he and certain other individuals became seized of the manor of Manchester, would certainly not have given his assent to the conversion of the rectorial church into a collegiate foundation, if he had not been fully persuaded that the evils of patronage, first exposed by Wycliffe, required a powerful remedy.

In a similar sentiment partook the bishop of the diocese, William Heiworth [or Heyworth], whom Shaw, the historian of Staffordshire, describes as "a person of sharp judgment and learning." William Heiworth was consecrated bishop of Lichfield and Coventry by Richard, bishop of London, in his chapel at Fulham, November 28th, 1420, Henry, archbishop of Canterbury, deputing him to that office. He was translated thither from having been abbot of Saint Albans. "Wonder not," says Fuller, "that he should leave the richest abbey of England, where he took place of all his order, and exchange it for a middle-sized bishopric. For first, even those who most admire the holiness and perfection of monastic life do grant the episcopal function above it in all spiritual respects. Secondly, in temporal considerations the poorest bishop was better, and might be more beneficial to his kindred than the richest abbot, seeing he by will might bequeath his estate to his heirs, which no abbot, incapable in his own person of any propriety, could legally do, whose goods belonged to his convent in common."—[Brewer's ed. of Fuller's Church History, vol. ii, p. 432.] William Heiworth was one of the most munificent and charitable bishops that ever filled the episcopal chair of Lichfield.

It thus appears that Thomas, Lord la Warre, in his design of collegiate the rectorial church of Manchester, demanded by the size and increased population of the parish and the abuses of church patronage, was aided by the counsel of two illus-



trious ecclesiastics, ardent to restore the dignity and spiritual usefulness of holy church, and alive to all her growing corruptions.

§ 5. THE DESCRIPTION OF COLLEGE CONTEMPLATED BY THE FOUNDER.

The college meditated by Thomas la Warre was to consist of a master, or warden, who was required to be a chaplain, and along with him eight fellow-chaplains were to be associated, together with such other fellow-labourers as were necessary to render the Divine services efficient. Fuller states that in addition to the warden and eight fellow-chaplains named in the charter of foundation, were four clerks and six choristers. But the authority for this assertion is not given. Yet, when we consider that this constitution of the capitular body absolutely subsisted when the college was refounded in the reign of Philip and Mary, the inference is that such a staff of functionaries was coeval with the original design of the foundation.

With the aid of this capitular body, it may be now asked,—in what mode the Divine rites and the cure of souls within the parish of Manchester were proposed to be conducted?

In the first place, there was a provision intended for the performance at the mother church of the Divine offices in so complete a form, as to render them accessible to the faithful of the parish at all canonical hours;—

A second provision was to afford the means of sending out from such a large staff of functionaries, spiritual aid sufficient to respond to every parochial requisition;—whether to visit the sick, to receive confessions, to give absolutions, to conduct the sacraments of baptism, or marriage, or to impart any other of the dispensations of holy church, either in the form of consolation, instruction, or penance;—

While a third object was to send forth as apostles from the general capitular body, such active individuals as were charged with administering offices incidental to the solemnization of Divine worship and to the cure of souls, within the remoter divisions of the parochial boundary.

1st. THE DIVINE SERVICES OF THE MOTHER CHURCH.—The first of these objects was the performance at the mother church of the Divine rites in the most complete form. The hours of prayer, in England, were in number seven, commencing at cock-crowing, or before the break of day, with MATINS, which included the three nocturns of the Roman church, and the lauds, or morning praises. At six o'clock, or at sunrise,

PRIME was recited. Then succeeded, at the intervals of three hours each, THE TERCE, or third hour prayer, THE SIXT, and THE NONE. Six o'clock, or sunset, was devoted to VESPERS, or evening prayer. And, lastly, followed THE COMPLINE, which was the closing service of the day, being to beg God's protection during sleep.—But this was not all. Masses, at stated periods, were to be sung, as, for example, when required for the repose of the souls of founders and their progenitors,—to say nothing of the additional duties which were demanded at the great fasts, or festivals of the church,—at the feasts of dedication, at certain of the higher sacraments, on occasions of confirmation, or of ordination.

At this period of the English church, these services could not fail to be most onerous, whence the general complaint of the time of Wycliffe, that they were neglected. The mode, therefore, in which Thomas la Warre strove to respond to the wants of a large and populous parish like that of Manchester, was by providing a full staff, or complement, of clerical functionaries, after the manner of a cathedral church, who should be made responsible for giving the faithful an opportunity of assembling during any or the whole of the canonical hours.

2nd. THE PROPOSED CURE OF SOULS.—A second provision incidental to a wide and populous parish, was to be enabled to send out from such a large staff of clerical functionaries, as Thomas, Lord la Warre, and the bishop of Durham might contemplate, spiritual aid sufficient to respond to every possible requisition. Although the warden and all the fellows were intended to be severally made responsible for the cure of souls, there is little doubt that the capitular body would consist of two classes;—the first being appointed to conduct Divine worship, while the second would be selected for duties more properly named parochial, as when the sick were to be visited, or the necessities of the poor were to be relieved, or when confessions were to be received, or when absolutions were to be given, or when penance was prescribed, or when the sacraments of baptism or marriage were to be dispensed. Within the parish of Manchester, one great cause of the popularity of the monks of Kersall had arisen from their promptness not only to relieve the poor, but to dispense the last consolations of holy church to the sick, or dying, whence the jealousy with which this interference with parochial duties had been regarded, during the reign of John, by a rector of Manchester. Eventually an act had passed of Henry the Fourth, forbidding any appropriation

of benefices to a convent or capitular body, unless a sufficient endowment should be first settled upon a vicar, or vicars, to perform all parochial duties, and unless a part of the revenues should be allotted for the relief of the poor.—[Tierney's ed. of Dodd's Church History, vol. i, p. 158.]

3rd. THE PROPOSED FULFILMENT OF SPIRITUAL OFFICES IN THE REMOTER SUBDIVISIONS OF THE PARISH.—Manchester and Salford, divided from each other by the Irwell, formed a part of the north-westerly bounds of the parish. To the north of Manchester, were Cheetham, Broughton, Crumpsall, Blakeley, and Harpur Hey.—On the east, were Bradford, Failsworth, Droylsden, Moston, Newton, Openshaw, Gorton, and Denton.—On the south, south-west, and south-east, were Hulme, Stretford, Moss-side, Rushholme, Chorlton-row, Chorlton-with-Hardy, Didsbury, Levenshulme, Withington, Burnage, Heaton Norris, Reddish, and Haughton.

The parish of Manchester, including these hamlets, was of great extent, being from seven to nine miles from east to west, and from eight and a half to nine miles from north to south. A third object, therefore, incidental to the large and populous parish of Manchester, was to be enabled to send forth, from the capitular body intended to be constituted, such active individuals as were charged with administering to the Divine services and the cure of souls in the remoter divisions of the parochial boundary.

The college of Manchester was, as I have already hinted, modelled in some degree after the constitution of a cathedral church. Originally, the cathedral church, where the bishop had his cathedra, or seat, was the parish church of the whole diocese,—which diocese was, in very ancient times, called *parochia*. And, down to a comparatively late period, if any one resorted to a cathedral church, he was considered, within the meaning of the statute, as resorting to a parish church. In primitive times, bishops were constantly resident at their respective cathedrals, and had several clergymen attending them, whom, whenever there was a probability of success, they sent to preach to and convert the people. These missionaries had no fixed cures, or titles, to particular places, but either returned from or continued in their places as occasion required, having been simply entered in the bishop's registry, from which they could not be discharged without the episcopal consent. Eventually, however, when Christianity triumphed, and when more churches were built, the cure of souls was limited both to places and persons. Parishes were formed and priests appointed by presentation,

institution, and induction, who were entitled to the tithes and offerings of the local subdivisions within which they had the cure of souls.—[See Hook's Church Dict. in v. Cathedral, &c.]

Now, it must be confessed that the designed college of Manchester was intended to be modelled after the constitution of the primitive, rather than of the later episcopal see. A capitular body was proposed to be formed having functions not confined within the rectorial church of Manchester, after the manner of the dean and canons of a cathedral church, but extending over a large parish seven to nine miles from east to west, and about nine from north to south. In this case the master or warden of the contemplated capitular body, would, like the ancient bishop, be required to send forth the clergymen under him to such remoter districts of the parish as demanded spiritual aid, which missionaries would have no fixed cure, or titles to particular places within the parish, but would either return from or continue in the localities to which they had been sent, as the occasion might require. Their names having been registered as belonging to the college, they would act agreeably to the instructions, or mandates of the capitular body.

That two or three chapels of ease subsisted at this time within the large parish of Manchester, there is some reason to suspect:—there was one at Didsbury, and another perhaps at Gorton or at Heton. No doubt, the number would be now increased.

#### § 6. AN INCREASED ENDOWMENT PROPOSED TO BE BESTOWED UPON THE CONTEMPLATED COLLEGE.

The previous endowment of the rectory of Manchester consisted, first, of a carucate of land in Kirkman's Hulme, granted to the church of Manchester previous to the Norman conquest;—secondly, of the glebe of land in Deansgate, gifted by one of the earlier barons of Manchester, a Greslet, to the church (see page 18);—thirdly, of the tithes of the parish of Manchester, comprising those of its various hamlets.

The present object of Thomas la Warre was, that the profits, rents, tithes, offerings, &c., of the collegiated church should reach two hundred and fifty marks and more annually, for which reason he meditated an additional bequest of land in the Baron's Hull, at Nether Aldport, at Gorton Green, and at Heaton, subject, however, to the payment of certain annual pensions. The details of this endowment will be explained in a subsequent chapter.

§ 7. BY WHAT LAWS THE PROPOSED CAPITULAR BODY WAS INTENDED TO BE GOVERNED.

In a very early period of Christianity, when an ecclesiastical division, however extensive it might be, was simply named *parochia*, the cathedral church being the parish church of a whole diocese [see Hook's Church Dict., 4th ed., p. 171], laws were framed to secure the presence of the presiding priest at the greater feasts, to regulate the efficient residence of the dean, master or warden, the prebendaries and canons, as well as to regulate other matters of discipline and the due management of temporalities. In like manner, Thomas la Warre intended that the college of priests, or chaplains, which he was about to form within the parish church of Manchester, should be governed by certain statutes, decrees, customs, and ordinations, obligatory upon the master, or warden, of the proposed college, the fellow-chaplains, the clerks, and the choristers. By such internal regulations there would be adjusted the holding of chapters, the mode of admitting the members of the college, the mode in which solemn offices were to be performed, the efficient residence and dwelling together of the fellows, the correction and reformation of crimes and abuses, and the penalties to be attached to a neglect of sacred duties and to other derelictions.

## CHAPTER VII.

REPRESENTATION TO THE BISHOP OF THE DIOCESE OF THE EVILS WHICH HAD RESULTED IN MANCHESTER FROM RECTORS HAVING BEEN EMPLOYED IN SECULAR OFFICES.

This protest of Thomas la Warre, of the bishop of Durham, and others, I shall endeavour to illustrate by a reference to Wycliffe's exposure of the abuses of church patronage,—confining myself, however, to the censures which he bestows upon lay patrons. At the same time, spiritual patrons, such, for instance, as bishops or archdeacons, fell no less under the reformer's lash;—but as these functionaries had little or no influence in the patronage of the church of Manchester, any reference to their failures of duty would be out of place. The evils which Thomas la Warre sought to rectify were those of his predecessors and ancestors in the advowson of the church of Manchester,—the Greslets and La Warres.

We infer from this exposure, that the complaint against lay patrons was, that they made the emoluments of the church subservient to the remuneration of rectors, who, from their superior education,

and the comparative ignorance of the laity even among the higher classes, were employed in secular capacities;—secondly, that if these patrons had not their offices "done for nought" (to use the expression of Wycliffe), it was demanded that in every presentation of clerks to benefices, they should be paid in gold;—and, thirdly, that incumbents should give procuration to their patrons, that is, provision or entertainment upon each occasion of visit.

In the first place, it is complained by Wycliffe, that lords would not present "a clerk able of God's law and of good life and of holy ensample to the people, but a kitchen clerk, or a penny clerk, or one wise in building castles, or other worldly doing:" also, that "they would have their offices done for nought, and their chapels holden up for vain-glory or hypocrisy."—In other words, patrons would reject priests holy of life and devout in their prayers, preferring such as could supply, by their superior education and learning, the secular offices of stewards of the household, clerks of accounts, or even architects,—the salary for which offices would be derived from their respective benefices. And if, perchance, these secular officials should ever be called upon to perform spiritual services, such services would be restricted to the lord's private chapel, in aid of the gorgeous and vain-glorious display exhibited by idle retainers of the household, when assembled at mass.

In the second place, it is asserted, that patrons were not even content with having their secular offices "done for nought." When they had no very onerous office in their household to bestow upon the chaplains whom they presented to benefices, and whom they considered as remunerated from benefices alone,—"in this case," adds Wycliffe, "when lords shullen present clerks to benefices, they wolen have commonly gold in great quantity."

And, thirdly, according to the great reformer, patrons would have procurations from the priests whom they presented to benefices, "who were obliged to make great feasts to rich persons costly and gayly arrayed, at the peril of being hayned on as hounds, and each man ready to peire them in name and worldly goods." This imposition is explained in the apology for Lollardism (p. 78) after the following manner:—"It is sed to prestis, Frely ye han tan, frely gevith, and to this acordith mani decres of the kirk, and doctors, with mani peynia. But nou are found new constitucouns of procuracies and customis and other expensis, so that noither sacrament, nor benefice, nor ministry, is gevein nor tan frely after Cristis bidding; but overal goth symonie privaly or apert."—[From "An Apology for Lollard Doctrines, attributed to Wycliffe," and printed for the Camden Society

from a manuscript in the library of Trinity College, Dublin.—Edited by James Henthorn Todd, D.D., V.P.R.I.A.:—1842.]

In the preamble to the Manchester charter of foundation, we are made acquainted with the substance of a most remarkable conference held by Thomas, Lord la Warre, in concurrence with the bishop of Durham and his four co-trustees, wherein the bishop of the diocese was made convinced of the spiritual destitution under which the large and populous parish of Manchester had long suffered from an abused benefice. This representation is so strange, that a literal translation of the same, extracted from the charter of foundation, may be given at length:—

“A venerable man, a beloved son in Christ, Thomas la Warre, clerk, now rector of the church of Manchester aforesaid, and late lord of the manor and advowson of the aforesaid, by whose gift and infestment the said Lord Thomas, the Bishop [of Durham] and the others named with him have held and do hold the manor with the advowson aforesaid, \* \* \* they, piously considering, that the aforesaid church of Manchester having a large and ample parish and very populous, had been accustomed to be ruled and governed in by-gone times [temporibus retrocitatis] by rectors, some of whom never [and] some very seldom cared to personally reside in the same,—but that to the same church, over which a great and grand cure of souls did and doth hang, they [the rectors] caused the adminicle [aid, or ministry] to be served by remote, stipendiary chaplains, converting for their pleasure the profits and revenues of the same church to their own uses,—from whose long absence followed a neglect of the cure of souls, a diminution of Divine worship, a defrauding of hospitality and of the support of the poor, and a great danger of souls.”—[From the Charter of Foundation, which will appear in a subsequent chapter.]

This is one of the most remarkable protests against the degradation of church discipline which is extant,—expressed in language almost as strong as Wycliffe himself would have used. In comparing, also, the evils complained of, with those which the reformer had exposed in his reproachful treatise, “Why many priests have no benefices,” as well as in his other writings, it will be evident that they are identical, and that they severally originated from the same cause, namely, from the abuses of church patronage:—“Such benefices comen not freely as Christ commandeth, but rather for worldly winning, or flattering of mighty men, and not for cunning of the gospel, and ensample of holy life.”

The abuses denounced by Thomas la Warre and

the bishop of Durham, for which remedies were supplicated, may be reduced to the following:—

First,—The non-residence of rectors, with which great cause were connected many of the other evils complained of. These were—

Secondly,—The abandonment of the parishioners, by non-resident rectors, to remote, stipendiary chaplains;—

Thirdly,—The application, by the same non-resident rectors, of the profits and revenues of the church to their own private use;—

Fourthly,—The neglect of the cure of souls, which followed the absence of rectors:—While other consequences resulting from the same cause were—

Fifthly,—A diminution of Divine worship;—

Sixthly,—A defrauding of hospitality and of the support of the poor;—

Seventhly,—A great danger of souls.

#### § 1. THE NON-RESIDENCE OF RECTORS REPRESENTED AND COMPLAINED OF.

It is said, in the Manchester charter of foundation, that the large, ample, and very populous parish of Manchester had been accustomed to be ruled and governed in by-gone days by rectors, of whom some never, and others very rarely, cared to personally reside in the same.

This non-residence, as I have shewed, was mainly attributable to the rectors of Manchester having been required by their patrons to fill secular offices,—a practice which everywhere prevailed. In the apology for Lollard doctrines, attributed to Wycliffe, we understand as follows:—The apostle saith, no man holding by knighthood to God, employeth him to worldly business, and doctors acordyn [agree] as is put in the law. BUT NOW ALMOST IS NO WORLDLY BUSINESS THAT MINISTERS OF THE ALTAR ARE NOT EMPLOYED IN, as is open in their deeds, whereof it followeth, that they live contrary to holy writ and to the decrees of old fathers.—[Wycliffe's Apology, p. 77.]

In fact, this very general employment of priests in worldly business was causing in the church a lamentable dearth of able and efficient ministers, which had this signal disadvantage,—that such clerks as had restricted themselves to spiritual vocations, were tempted to undertake the duties of a plurality of livings, or other ecclesiastical dignities. Hence we explain one reason why, in the time of Wycliffe, little or no censure was passed against very extensive pluralists, among whom Thomas, Lord la Warre, may be assuredly ranked. He was not only rector of Manchester, but likewise parson of the church of Sleaford,

canon of the church of the Blessed Mary in Lincoln, prebendary of Southwell, &c. &c.

In the absence of any other explanation, it might, after all, be no easy task to satisfy ourselves with the exact position maintained by Thomas, Lord la Warre, or with his consistency, when he, a pluralist, took upon himself to represent to the bishop of Lichfield the evils flowing from non-residence. But, as a learned churchman,—which, in judging from his high rank, and his means of education, no doubt he was,—there was another extenuating circumstance to be taken into consideration, as flowing from the custom of papal provisions:—So much, in fact, had the possession of benefices by foreigners discouraged the English youth, that they were taking no care to qualify themselves as divines, and thus, alas! the studies of the universities were beginning to languish. Considering, then, this want,—less of clerks in general, who were ever numerous enough,—than of able or learned clerks, it can excite little or no surprise, that, even in the scrutinizing age of Wycliffe, priests who happened to be versed “in the cunning of God’s law,” should be allowed, by virtue of their plurality of livings, “to go among the people whom they should in turns profit, without challenge.” Even Wycliffe himself, in conjunction with his rectory at Lutterworth, had a professor’s chair in Oxford.

In short, the non-residence complained of in the rectory of Manchester was that which originated with clerks holding secular offices, generally in the household of their patrons, for which they were remunerated by the temporalities of the benefices thus conditionally given to them. In all these cases the neglect of Divine worship, and of the cure of souls, became the source of the deepest regret and complaint.

In the extensive and populous parish of Manchester, the obvious remedy for such an evil,—being that which suggested itself to so munificent a patron as Thomas, Lord la Warre proved himself to have been,—consisted in increasing the number of efficient labourers. In the place of a single rector, he proposed a warden, who should preside over a guild, consisting of eight fellows, four clerks, and six choristers, dwelling together and severally bound to residence by stringent laws, and fulfilling their parochial duties “capitulariter,” or chapter-wise, to the profit of many souls. So that, in the language of Wycliffe, “priests might live like to angels, as they ben angels of office, not turnen agen to their former sins for abundance of worldly goods and idleness in their ghostly office, and over much business about this wretched life;”—“that they might live in clenness and sikerness

[sureness] of conscience,—for to be mo like to Christ’s life and his apostles, and for to profit mo to their own souls and other mens.”

## § 2. THE COMPLAINT THAT THE PARISHIONERS OF MANCHESTER WERE ABANDONED TO THE CARE OF REMOTIVE, STIPENDIARY CHAPLAINS.

The expression of the charge is,—that seeing a vast care of souls attached itself to the extensive and populous parish of Manchester, the non-resident rectors had allowed the ministry to be served by remotive, stipendiary chaplains.

This charge, made by Thomas la Warre, I had long felt the greatest difficulty in comprehending. But, after a perusal of “the apology for the Lollards,” printed for the Camden Society, in connexion with the notes of the truly learned editor, Dr. Todd, of Trinity College, Dublin, the accusation is no longer mysterious.

By stipendiary chaplains, was meant chaplains who “hired out work.” Thus, in the petition of the House of Lords to the king, A.D. 1382, it was a favourite position of the Lollards, that “it is not lawful for a presbyter to hire out his work.” Also, in Wycliffe’s apology for the Lollards (p. 52), we find the following passage:—“And eft Hostien-sis seith of hem that geven a peney, or peyneyes to prestis for to do aniversaries, or to syng a messe of the Holi ghost, or swilk maner, or for to sing trentaylis [thirty days’ masses for the dead] in alle swilk casis, to tak or gef temporal thing for goostly thing, of forthword [bargain beforehand], or certeyn covenaut, it is symonye.” And in the reply to a conclusion objected against W. Swinderby in 1389 (which Dr. Todd, in illustration, quotes from Fox), it is said, “that no priest ows [ought] to sell by bargaining and covenant his ghostly travel, ne his masses, ne his prayers, ne God’s word, ne hallowings, baptism, ne confirming, order giving, for weddings, for shrift [confession], housel [the blessed Eucharist], or for ennointing;—any worldly men’s to ask or take for these, or for any of these, or for any ghostly thing, he errs and doth simony.”

From these remarkably interesting extracts, in connexion with a clause in the remonstrance of Thomas, Lord la Warre, we have every possible information of the mode in which the services of the church of Manchester were performed, during the absence of rectors employed in the secular offices of their patrons. It is evident that chaplains of this stipendiary character had been required by the non-resident rectors of Manchester, or, perhaps occasionally, by the neglected parishioners them-

selves, to "hire out their work," after the manner described, and to covenant for singing so many masses, or for hallowings, prayers, baptism, shrift, &c. &c. This practise was highly censured by the Lollards, who declared that "prestis to sing may not first mak covenaut without symonie."

But these stipendiary chaplains exercised their craft in another mode:—As they travelled about the country seeking "to hire out their work" in such parishes as might have been left destitute by non-resident rectors, they were termed by Thomas, Lord la Warre, "remotive;"—that is, they removed from parish to parish, engaging themselves, like labourers at a statute fair, to do the spiritual work of a parish for a given time, whether for a year or a day. This is shewn in Wycliffe's apology (p. 52), when in remarking, that "a prest may astreyne himself a yer to dwell with a man to serve him, as writ [write] or teche children," it is urged, "of this mater thus seyn feithful doctors of divinitie and doctors in lawe of the kirk thus: A prest wether he be benefid or not, he howith [ought] not to sett to hire his gostly warks; nor is it leful to him to reseuye any thing of covenaut to a day or yere for Goddis seruyce to be seid."

Such was the character of the remotive and stipendiary chaplains stigmatized in the Manchester charter of foundation, who, in the absence of the non-resident rectors of Manchester, hired out their work as journeymen by the day or by the year, or even "for job work," engaging "for a penny, or pennies, to do anniversaries, or to sing a mass of the Holy ghost, or to sing trentals, or to take and give temporal things for ghostly things."

The practical remedy of this parochial evil was sufficiently evident;—it was, that the neglected parish of Manchester should be placed under the spiritual guidance of a warden and a large staff of subordinate functionaries, severally bound, under heavy penalties, to residence. By so salutary a check, the visits of the spiritual journeymen "who hired out work" would soon cease.

### § 3. THE REPRESENTATION THAT THE NON-RESIDENT RECTORS APPLIED THE FRUITS AND OFFERINGS OF THE CHURCH TO THEIR OWN USE.

This charge against chaplains brought in by lords, who, in holding them in their worldly office, did not purvey true curates to the people, is a very frequent one in the writings of Wycliffe:—"The apostle saith, we having food and hyling [raiment] hold us paid, and by the saws [sayings] of Jerome, Ambrose, and Bernard, clerks ought to be content of livelihood, and have all things in common. But

now, by new laws, clerks appropriate to themselves temporal things as seclereis [seculars] and not only to livelihood and hyling [clothing] but to lust and worldly highness. Wherefore it followeth, that either these saints bear false witness, or that such laws by which this manner of having is defended, are contrary to them and to holy writ; or else that clerks now are false witness against their laws, and thieves, and refars [plunderers], and false intruders."—[Wycliffe's Apology, p. 76-7.]

Quotations of similar import to the foregoing might be greatly multiplied.

The remedy proposed, namely, the subjection of the parish church of Manchester to a capitular body, would be calculated to afford a sufficient remedy for the abuse complained of:—there would be no expenditure except under the control of a chapter, and, consequently, mal-appropriations would be less likely to ensue.

### § 4. THE REPRESENTATION OF THE NEGLECT OF THE CURE OF SOULS.

This, also, was a frequent subject of complaint with Wycliffe, who, in speaking of the poor priests who were instructed by him, remarks, that "they dreden sore that by singular cure ordeyned of sinful men, they shulden be letted [prevented] fro better occupation, and fro more profit of holy church. And this is the most dread of all, for they have cure and charge at the full of God to help their brethren to heavenward, both by teaching, praying and ensample giving." The reformer likewise lamented that, "in appointing secular men to divine offices, an idiot was often called to be a vicar or parish priest, who could not do, and might not have leave to do the office of a good curate."—[See Gilpin's Life of Wycliffe, p. 97, and Vaughan's Wycliffe, vol. ii, p. 283.]

In the collegiating of the parish church of Manchester, it is evident, that the neglect of the cure of souls would be provided for by the enforcement of penalties at the discretion of the chapter, as well as by the expulsion which would be demanded in case habitually careless chaplains were introduced among the parishioners.

### § 5. THE CHARGE OF A DIMINUTION OF DIVINE WORSHIP.

This complaint is of frequent occurrence in the writings of Wycliffe. It is recommended that priests should study holy writt and be devout in their prayers, and not be carried astray with new [that is secular] offices; "then," he adds, "shulde priests be busy to seke God's worship and saving of

their own souls, and not their own worldly glory and winning of worldly dritt."

That Thomas, Lord la Warre's, proposed college had the means of obviating this neglect, will be evident from the staff of functionaries, such as chaplains, clerks, and choristers, under the control of a warden, which would be fully sufficient for the celebration of Divine worship at all the canonical hours.

§ 6. THE CHARGE OF A DEFAUDING OF HOSPITALITY AND OF THE SUPPORT OF THE POOR.

In the earlier institution of tithes, one-third went to the support of the persona ecclesiæ; another third to keep up the repairs of the church; while the remaining third was devoted to the relief of the poor.

In the accusation which Thomas, Lord la Warre, brought against the rectors of Manchester, he charged them with a defrauding of hospitality, as well as of the support of the poor. By the term "hospitality," was implied the appeals made on behalf of the houseless, whether travelling to markets, or fairs, or elsewhere, and requiring shelter for the night, or whether an application for hospitality was complicated with the plea of poverty, sickness, or age. With the view of meeting these various cases, hostels as well as almshouses were considered as essential parts of a parochial establishment, towards the support of which, as well as for the in-door relief of the poor, sick, or impotent, a third part of tithes was originally destined.

Now it would appear, that Wycliffe not only kept in view this distribution of tithes, but even took up the position that tithes were a sort of alms, nowhere of gospel institution, which the people might either give or withdraw, as they found their pastor deserved. "Exact your tithes," he recommended, "by the holiness of your lives. Ill befits a man who lives on the labors of the poor to squander away the dear-bought fruits of their industry upon his own extravagances."—[Gilpin's Wycliffe, p. 76-7.]

There are various other passages in Wycliffe's writings, wherein we not only find, that, while tithes were regarded as the alms given by the poor, or less opulent, for the specific purposes described, they were significantly named "poor men's goods," which no rector or patron could misspend, without incurring the charge of "a defrauding of hospitality and of the support of the poor;"—the precise terms, in fact, under which a charge was actually preferred against the succession of rectors in Man-

chester by Thomas, Lord la Warre, who unquestionably had adopted some of the peculiar views of the Lollards. "Yet tho poor priests," says Wycliffe, "mighten freely gotten presentation of lords to have benefices with cure of souls, they dreaden of misspending poor men's goods. For priests owen themselves paide with food and clothing, as Saint Paul techeth, and, if they have more, it is poor mens goods, as their own law, and God's law sayn, and they ben keepers thereof, and procurators of poor men." The reformer also recommended that the alms of the people "should be withdrawn fro wicked preests, and that they should not be contreynd to pay their tithes and offerings to open cursed men to meyntheyne them in their open cursednesse."

The mode in which "this misspending of poor men's goods," or, to use the language of Thomas, Lord la Warre, "this defrauding of hospitality and of the support of the poor" occurred in Manchester, is not stated. Wycliffe, however, has shewn, that there were various modes in which tithes, or "poor men's goods," might be diverted from their original destination.

Of these, the first was by the sums simoniacally given to patrons for presentation—as I have just shewn. "Yet tho' poor priests mighten freely gotten presentation of Lords to have benefices with cure of souls, they dreaden of misspending poor men's goods."—This practise is denounced in the strongest, and even awful terms. Yet "more traitery is in false curates, that geven mede, or hire, to comen into worldly offices, and to get lordship and maintainance against ordinances, and couchen in lords' courts for to get mo fatte benefices, and purposen not spedly to do their ghostly office. Woe is to the Lords that been led with such cursed heretics, antichrists, traytors of God and his people, and traytors to Lords themselves; who ben so blinded, that they perceiven not that such traitors, that openly ben false to God, wolen much more been false to them."

A second misapplication of tithes, or a defrauding of hospitality and of the support of the poor, was said to consist in the sums paid by false curates for institution and induction:—"But for institution and induction," says Wycliffe, "he [the priest] shall give much of this good, that is poor men's, to bishops' officers, archdeacons and officials, that ben too rich."

A third mode "of misspending tithes, or poor men's goods," or, in Thomas Lord la Warre's language, "of a defrauding of hospitality and of the support of the poor," was in expensive feasts prepared for the entertainment of patrons, bishops, and others, whenever they might visit the church

of which they possessed the advowson. The reformer was most indignant at this abuse of patronage, and bestowed upon it the severest epithets. "Many times," he observes, "patrons willen look to be feasted of their curates, else maken them lese that litle that they and poor men shullen live by. So that they shullen not spend their tithes and offerings after good conscience and God's laws, but waste them on rich and idle men."—"And when bishops and their officers comen and feynen to visit, tho they nourishen men in open sin for annual rent, and don not their office, but sellen souls to Sathanas for money, wretched curates ben neded to feasten them richly, and give procuracy and synage, yea against God's law, and man's and reason, and their own conscience."

A fourth mode of misspending tithes, or defrauding the poor of their support, was affirmed to be by purchasing the higher sacraments of which a patron or lord might stand in need, as, for instance, at weddings, baptisms, trentals, &c. "And if," says Wycliffe, "they shullen have any high sacraments, commonly they shulle buy them with poor mens goods."

A fifth mode of "wasting poor men's goods," or defrauding the poor, was by suing parishioners for tithes at the expensive courts of bishops and archdeacons. Wycliffe accordingly laments, that when tithes and offerings were wasted on rich and idle men, small curates should have letters "fro their ordinaries to summon and curse poor men for covetise of antichrist's clerks," or, in other words, to summon poor men to the bishops' courts for excommunication. "So many cursed deceits," he adds, "hath Antichrist wrought up by his worldly clerks to make curates to mispend poor men's goods, and not truly do their office; or else to forsake all and let Antichrists clerks, as Lords of the world, rob the poor people by feyned censures, and teach the fiend's lore both by open preaching, and ensample of cursed life."

Such was the defrauding of hospitality and of the support of the poor, through the misapplication of tithes and oblations, which alike fell under the censure of Wycliffe, and of Thomas, Lord la Warre.

That practises like these would be checked by extinguishing the power of patrons, as Thomas la Warre meditated, and by placing the distribution of the funds of the church under the wholesome laws of a capitular institution, is sufficiently evident. A capitular body, for instance, would not be the medium through which bribes, exacted from tithes, would be simoniacally offered;—there being no patrons for presentation, or bishops, archdeacons, and other officials, for

institution and induction. Nor would there be occasion to give feasts to rich men as procurations, nor to purchase high sacraments. Lastly, the munificent founder intended, by new endowments, to add greatly to the means of dispensing hospitality and alms to the poor, without the necessity of prosecuting needy parishioners in the courts of bishops and archdeacons. By a removal of these evils (to use the language of the great reformer), "then would symony, covetise and idleness of worldly clerks be laid down, and holiness and true teching and knowing of God's law be brought in both in clerks and lewid men [i.e. laymen]: also thus shulde striving, pleading, and cursing for dymes and offerings and hate and discord among priests and lewid men [laymen] be endid, and unity, peace, and charitye meyn-teyned."

#### § 7. THE REPRESENTATION OF THE GREAT DANGER OF SOULS.

In describing the great danger of souls to be apprehended from "Antichrist's clerks," Wycliffe observes, that "by money, and flattering, and fleshy love, gedring to them leading of the people, they forbare [forbade] true priests to teche God's law, and, therefore, the blind leadeth the blind, and both parts runnen into sin, and full many to hell: and it is huge wonder that God of his righteousness destroyeth not the houses of prelates, and lords, and curates, as Sodom and Gomor, for heresie, extortions, and other cursednesses."

From this extract we should infer, that it was from the evil examples set by prelates, lords, and curates, as well as by a neglect of spiritual offices, that the reformer, as well as Thomas, Lord la Warre, apprehended a great danger of souls. This was not, however, the whole view which Wycliffe took of the causes endangering souls. Dr. Todd, in the very luminous and instructive notes which he has appended to "the apology for the Lollards," observes, that it was a distinguishing trait of their doctrines, that if any one merely heard the mass of a priest guilty of any great crime, knowing him to be such, his soul would be in mortal sin, and that, unless due inquiry had first been made, ignorance of this fact would not excuse the laity from this guilt. "If ani," says Wycliffe, "hear the messe of a prest that levith in lechery, and knoweth him to be swilk, [he] synnith dedely;"—which doctrine is supported by a reference to the first of Corinthians, the sixth chapter and ninth and tenth verses;—to a decree of the Roman synod under Nicholas the Second, A.D. 1059, wherein it is ordained, that no priest having a concubine



should celebrate mass, or assist at its celebration;—as well as to another under Alexander the Second, A.D. 1063, in which the laity were enjoined not to hear the mass of such a priest.—[Apology for the Lollards, edited by Dr. Todd, Introduction, p. xxx, and p. 37.]

That Thomas, Lord la Warre, adopted the extreme view of the Lollards, in his allusion to “the danger to souls” which arose from false clerks, who in various ways betrayed the spiritual interests of their parishioners, we are not informed. The supposition is merely rendered probable by the expression occurring in connexion with other charges against the rectors of Manchester, wherein an adoption of the views of Wycliffe cannot for a single moment be denied.

Dr. Todd has remarked on the doctrine, that the people were the judges, or punishers, of delinquent priests, that “the principle assumed in such a proposition was the ground of many similar conclusions in the theology of the Lollards; as, for example, that the incontinence of the clergy released their parishioners from the obligation to pay tithes; and that the priest in deadly sin could not consecrate the body of Christ, nor minister efficaciously the other sacraments. And these principles,” adds the learned editor, “continued, even to the period of the Reformation to produce such pernicious effects, that it was thought necessary to affirm the contrary in one of the thirty-nine articles of religion.”—[See Article XXVI. “Of the unworthiness of the ministers which hindereth not the effect of the sacraments.”]

But if this tenet was found inconvenient to the early reformers, how much more important was it that the Roman Catholics should endeavour to repudiate a doctrine which was calculated to bring the whole of the moral life and conduct of their priests, or bishops, to public scrutiny, before any layman could relieve his conscience, that in knowingly listening to the mass of a priest who lived in lechery, he had not committed a mortal sin, or that a priest in deadly sin could really consecrate the body of Christ, or minister efficaciously the other sacraments. Accordingly, I am indebted to a friend for pointing out to me the contradiction which so troublesome a doctrine met with from the last general council of Trent, continued from 1545 to 1563:—

THE UNWORTHINESS OF THE MINISTER DOES NOT AFFECT  
THE VALIDITY OF THE SACRAMENTS.

But representing as he [the minister] does, in the discharge of his sacred functions, not his own, but the person of Christ, the minister of the sacraments, be he good or bad, validly consecrates and confers the sacraments, provided he make use of the matter and form instituted by Christ, and always observed in the Catholic Church, and intends to do what the church does in their administration,—unless, therefore, Christians will deprive themselves of so great a good, and resist the Holy Ghost, nothing can prevent them from receiving, through the sacraments, the fruit of grace. That this was at all times a fixed and well-defined doctrine of the church, is established beyond all doubt by St. Augustine, in his disputations against the Donatists; and should we desire scriptural proof also, we have it in the words of St. Paul:—“I have planted,

Apollo watered, but God gave the increase.” Neither he that plants, therefore, nor he that waters, is anything, but God who gives “the increase.” As, therefore, in planting trees, the vices of the planter do not impede the growth of the vine, so, and the comparison is sufficiently intelligible, those who were planted in Christ by the ministry of bad men, sustain no injury from guilt which is not their own. Judas Iscariot, as the holy fathers infer from the Gospel of St. John (iv. 2), conferred baptism on many; and yet none of those whom he baptized are recorded to have been baptized again. To use the memorable words of St. Augustine:—“Judas baptized, and yet after him none were re-baptized: John baptized, and yet, after John, they were re-baptized; because the baptism administered by Judas was the baptism of Christ, but that administered by John was the baptism of John. Not that we prefer Judas to John, but that we justly prefer the baptism of Christ, although administered by Judas, to the baptism of John, although administered by the hands of John.”

But let not the pastor, or other minister of the sacraments, hence infer that he fully acquits himself of his duty, if, disregarding integrity of life and purity of morals, he attend only to the administration of the sacraments in the manner prescribed.—It should never be forgotten, that the sacraments, although they cannot lose the Divine efficacy inherent in them, bring eternal death and everlasting perdition on him who dares to administer them with hands stained with the defilement of sin.—[See p. 150 of the Catechism of the Council of Trent, translated into English by the Rev. J. Donovan.]

But to conclude.—In reference to the actual state of discipline existing in the English church, during the eventful period of the Lollards,—I have at length attempted to explain, in all its counts, the representation made by Thomas, Lord la Warre, in conjunction with the bishop of Durham and others, to William Heiworth, the bishop of Lichfield, who was importuned, on the strength thereof, to concur with them in the propriety of collegiating the parish church of Manchester.

Amidst the numerous corruptions of church discipline and doctrine, assigned by ecclesiastical writers as causes which gave rise to the English reformation, it is passing strange, that the evils resulting from the abuses of patronage, or from the employment of ecclesiastics in divers secular offices, should have met with such little regard. It is for this reason, that the public manifesto of Thomas, Lord la Warre, now first published, acquires a deep historical interest, which is heightened by the consideration, that the prayer of the same was supported by Cardinal Langley, the enlightened bishop of Durham, only to have its justice more fully confirmed and responded to, by a churchman, of nearly equal eminence, William Heiworth, the munificent bishop of Lichfield and Coventry, in conjunction with various other ecclesiastics assembled in convocation. It is thus evident, that, in the time of Wycliffe, the cause of reform was as much advanced by an internal movement within the pale of

Holy Church Herself, as by external pressure resulting from the vehement protests of a discontented laity.

A summary of these historical researches may be stated as follows:—

First,—That in the parish of Manchester, the predecessors of Thomas la Warre, possessing the advowson of the church, had made presentations of the incumbency, on the condition, that priests should serve in some secular office, generally in their own household, or occasionally in the king's treasury, to the fulfilment of which they were recommended by their education, or scholarship;

Secondly,—That, in consequence of the neglect of the cure of souls and the diminution of Divine worship, which ensued from the non-residence of rectors, the parish of Manchester was left dependant upon a description of "remotive, stipendiary chaplains," so named from their habits of removing from parish to parish, and of "hiring out their work," who would contract to sing a certain number of masses, or to perform a stated number of sacraments for a stated number "of pennies," or would otherwise, after the example of labourers hiring themselves out at a statute fair, contract for their spiritual offices for any given time,—varying from a year even to a day;

Thirdly,—That the non-resident rectors would generally apply the profits and revenues of the church to their own private uses;—that from such temporalities they would simoniacally give money and procuration to patrons for presentation;—that they would pay extravagant fees to bishops and their officials for induction, &c.;—that they would purchase high sacraments for themselves and their patrons;—that they would sue their parishioners for tithes in bishops' courts, &c. &c.;—and

Fourthly,—That the greatest inconveniences would be sustained by the parishioners of Manchester, from the dread that the unworthiness of the minister would affect the validity of the sacraments, and that "if any one heard the mass of a priest living in deadly sin, knowing him to be such," he would himself "sinne dedely."

Such was the state of church discipline in Manchester, which led to the collegiating of its parish church. It is very evident that since the era of the Reformation, when many of these abuses of patronage met with a remedy, no such a deteriorated regimen, even in the most lax times of Protestantism, has ever occurred. We find from the Manchester charter, that Thomas, Lord la Warre, and the bishop of Durham contemplated these evils with deep regret [*cordis oculis*]. No doubt the lord of Manchester, then in holy orders, felt all

the responsibility so forcibly expressed by Wycliffe, that "lords have their high states in the church and lordships for to purvey true curates to the people, and to meyntene them in God's law and punish them, if they failen in their ghostly cure, and that by this they holden their lordships of God;"—but that "if they maken evil curates and holden them in their worldly office, and letten [forbid] them to lead God's people the rightful way to heaven, but helpen them and constreynen them to lead the people to hellward, by withdrawing of God's word, and by evil ensample geving, they ben weiward traytors to God and his people, and vicars of Sathanas."

## CHAPTER VIII.

### HENRY THE FIFTH IS SUPPLICATED FOR A LICENSE TO COLLEGIATE THE PARISH CHURCH OF MANCHESTER.

The tongue of slander has not been wanting to impugn the generous motives of the founder. Although Thomas la Warre was of great age, it was alleged that the design which he entertained of founding and endowing a college was a condition upon which the pope had acceded to his request, that his restrictions as a priest might be removed, and that he might be allowed to take unto himself a wife.

But this idle story carries with it its own refutation. It has been shewn, that by a trust deed made many years ago, Thomas la Warre had settled his estates upon the heir male of his half-sister, who had married Baron West. And, in the next place, before a college could be founded and endowed, in opposition to the law of mortmain, or before any appropriation could be made, the license of the king would be far more requisite than that of the pope.

Previous, however, to the petition being forwarded to the sovereign for permission to erect the parish church of Manchester into a collegiate church, it was deemed necessary that a conference should be held with William Heiworth, the liberal churchman, who, a year previously, had been collated bishop of Lichfield and Coventry. The supplicants were Thomas, Lord la Warre, and, in conjunction with him,

1. Cardinal Langley, the bishop of Durham;
2. John Henege;
3. Nicholas Motte, parson of the church of Swynesheued;
4. Richard Lumbard, late parson of the church of Holtham;—and

5. Richard Ffryth, the nominal lord of the manor of Manchester with its appurtenances and advowson of the church of Manchester.

These five personages were feoffees under the deed by which Thomas la Warre had vested his estates, in trust for himself during his life, and, after his death, in trust for his half-sister, Joanna, and her issue.—[See page 125.] Three other trustees had been originally nominated, but they were at this time defunct: these were William Auncell, William Thirnyng, knight, and John Overton. There also appears to have been a William Rouceby, vicar of the church of Sleaford, added subsequently to the list of trustees. But, by resignation probably, he is said to have given up all the claim and right which he had held in the manor of Manchester and its advowson.

In the previous chapter of this work, the result of the conference thus held by Thomas, Lord la Warre, and the bishop of Durham and others, with the bishop of Lichfield, has been fully explained. It has been shewn that the motives which induced Thomas la Warre to collegiate the parish church of Manchester were two-fold:—The first was the consideration, that the parish church of Manchester had greatly increased in size and population; while the second was the wish to obviate the great evil inflicted upon the discipline of the church, and the cure of souls, by the abuses of patronage. "These and other things," as the preamble of the foundation charter eventually granted goes on to state, "conjoined with the daily and continued disadvantages of the same, the said reverend father Thomas, bishop of Durham, and the others nominated with him, and the afore-said Thomas la Warre, recalling to memory and contemplating with lateward eyes [*cordis oculis*], and desiring, as they asserted, to provide as much as possible with God's aid concerning opportune remedies against the negligencies, defects and disadvantages of this sort, that they should not henceforward happen, and that the premises might be reformed for the better,—besought" from the king a license of foundation by which they might erect the parish church of Manchester into a collegiate church.—[From the preamble to the Charter of Foundation.]

Letters patent were promptly obtained, probably through the medium of Cardinal Langley, the bishop of Durham, who was then chancellor to Henry the Fifth. The tenor of the license of foundation complying with the requisition was as follows:—

First,—It commenced by stating the names of

the surviving parties associated with the bishop of Durham in the deed of Thomas, Lord la Warre, upon the occasion of his levying a fine on the family estates of La Warre;—Richard Ffryth being the nominal, or pro tempore lord of the manor of Manchester.

Secondly,—It stated, that, in consideration of two hundred marks having been paid into the royal treasury, a license had been granted to the bishop of Durham and others, to erect the church of Manchester into a collegiate church, to consist of one master, or warden, and as many fellows, severally chaplains, and other ministers, as to the said bishop and his co-trustees, and to Thomas la Warre, might be deemed expedient.

Thirdly,—It provided for Divine rites to be celebrated daily for the health [or well-being] of the king, the bishop of Durham and Thomas la Warre, and for their souls when they should depart this life, also for the souls of the progenitors and ancestors of Thomas la Warre, and for the souls of all the faithful defunct.

Fourthly,—It made the warden and his fellows, and their successors, parsons perpetual [*personæ perpetuæ*], and capable of possessing benefices, lands, and tenements; it also directed that they should have a common seal, whereby they might plead and be impleaded in the name of the warden.

Fifthly,—It consented that five messuages and ten acres of land in Manchester, Gorton, and Heton, should be given and assigned to the warden and fellows, the same being parcels of the manor and advowson of Manchester, to be held, as was customary, from the county palatine, &c., by services thence due and accustomed, &c.

Sixthly,—It empowered the warden and fellows to receive the said messuages and land and the advowson from the bishop of Durham and others, and to appropriate the church, and to hold the same thus appropriated, together with the messuages and land, to their proper uses, &c.

But here let us pause.—It is evident that the king's license contemplated neither more nor less than a transfer of certain messuages, lands, and advowson of the manor of Manchester, to the absolute and exclusive holding of the warden and fellows of the proposed college, and that there would thus ensue an absolute appropriation, or annexing of the said messuages, lands, and advowson,

thus granted, to the proper and perpetual use of the spiritual persons composing the college of Manchester, that is, to be enjoyed by them for ever;—and that after this appropriation had been made, the warden and fellows, forming the capitular body, were to be regarded not only as patrons, but as perpetual parsons [*personæ perpetuæ*], whence they would have perpetual institution and induction. By these provisions, therefore, of foundation and appropriation, the successors of Thomas, Lord la Warre, in the manor of Manchester would cease to have any interest whatever in the advowson of the same.—[See Jacob in *v. Appropriations*.]

This circumstance it is important to keep in view, as the college of Manchester, during the very earliest period of its history, must have had the rights, which the royal license conferred upon it, invaded, even to the dissolution of the prescribed terms of appropriation. In this case the benefice, in a legal sense, must have returned to its proper nature. Nevertheless we still find, that the capitular body, if not legally, was at least ostensibly allowed to continue its functions to the time of the Reformation.

Seventhly,—The letters patent of the king provided, that the license of foundation should not be laid aside by any existing or future law of mortmain.—Regarding this clause some little explanation may be necessary:—

In the reign of Edward the First, the inconvenience of religious incorporations holding lands by perpetual succession, so as to prevent all chance of escheat, was explained by lawyers after the following manner:—In colleges and chapters there always remains the same body, although the members thereof successively die, even as in a flock, the sheep of which die off in succession, there is always the same flock. Nor does any one member of a college, or chapter, succeed to any other member thereof by right of succession, so as to allow the right to descend hereditarily from one to the other, because the right always belongs to the church, and the church always remains.—[Stevens and Merewether on Municipal Corporations, p. 575.] With the view, therefore, of preventing lands from being held by corporate bodies in such a manner that there should be no chance of escheat, as well as with the object of limiting the vast and independent possessions of the church, it was provided, in the year 1279, that no person religious, or otherwise, should buy or sell any lands whereby they might come into mortmain. But this statute having been imperfectly drawn up and evaded, another act of the 15th of Richard the Second, 1391, was passed, which, after reciting the 7th of Edward the First, that no religious body should hold lands in perpetuity without license from the crown, added, that the same statute should

extend to and be observed of all lands, advowsons, &c., given to the use of guilds or fraternities, among which the proposed college of Manchester, named the guild of the Blessed Mary of Manchester, came to be classed. Accordingly, by the statute of 1391 it was enacted, that all lands held in trust for all ecclesiastical corporations, should henceforth be taken and deemed to be in mortmain;—that all such lands, fees, and possessions should be forthwith amortized, or otherwise alienated, on pain of forfeiture;—and that the preceding and present provisions of the law of mortmain should extend to all secular corporations, to all mayors, bailiffs, and commons of cities and other places, having a perpetual commonalty, or offices perpetual.—Still, however, by certain acts, as by that of the 34th of Edward the First, the king, as the chief lord, might waive the escheat in every case where lands had been granted for the public good, as in the case of cities and boroughs; which privilege was still further confirmed by a newer provision to the encouragement of licenses being granted by the king, whenever any religious community, for laudable purposes, sought to hold land in perpetuity. Upon the present occasion, therefore, such a license was supplicated from the crown, on behalf of the proposed college intended to be founded, under the name of “the Guild of the Blessed Mary of Manchester.”

After these explanatory remarks, I shall proceed to give the royal license of foundation, which will be followed by a literal translation of the same. It has been very carefully collated with the original document preserved in the chapter house of Manchester, and in order to facilitate any further reference to the same whenever required, I have expressed, by marginal numbers, the line in which any printed passage whatever may be at once referred to, in correspondence with the manuscript lines of the original deed, counted from the top to the bottom.

A similar plan has been also adopted in the deeds which follow the present license of foundation.

#### LITERÆ PATENTES DOMINI HENRICI QUINTI, &c.

<sup>1</sup> Henricus dei gracia Rex Anglie Heres et Regens regni Ffrancie et Dominus Hibernie Omnibus ad quos presentes litere peruenerint salutem. Scias quod cum <sup>2</sup> venerabilis in Christo pater Thomas <sup>3</sup> Episcopus Dunelmensis Johannes Henege Nicholas Motte persona ecclesie de Swynesheuede Ricardus Lumbard nuper persona ecclesie de Heltham <sup>4</sup> et Ricardus Ffrith teneant manerium de Mamcestre cum pertinenciis unacum aduocacione

ecclesie de Mamcestre in Comitatu Lancastrie sibi et heredibus suis ex dono et feoffamento Thome<sup>4</sup> la Warre clerici prout per quendam finem in Curia domini Henrici nuper Regis Anglie patris nostri Comitatus sui palatini Lancastrie inter prefatos Episcopum Johannem Nicholaum Ricardum et Ricardum et Willielmum Thirnyng militem<sup>5</sup> Willielmum<sup>6</sup> Auncell et Johannem Ouerton jam defunctos necnon Willielmum Rouseby Vicarium ecclesie de Sleaford qui totum jus suum et clameum que habuit vel habere potuit in eisdem manerio et aduocacione prefatis Episcopo Willielmo<sup>6</sup> Thirnyng Johanni Nicholao Willielmo Auncell Ricardo Johanni et Ricardo remisit et relaxauit querentes et prefatum Thomam la Warre de manerio et aduocacione predictis deforciantem leuatum liquet manifeste

<sup>7</sup> Nos de gracia<sup>7</sup> nostra speciali et ex certa sciencia nostra pro ducentis marcis nobis in hanaperio nostro solutis concessimus et licenciam dedimus pro nobis et heredibus nostris quantum in nobis est<sup>8</sup> prefatis Episcopo Johanni Nicholao<sup>8</sup> Ricardo et Ricardo quod ipsi dictam ecclesiam de Mamcestre in ecclesiam Collegiatam erigere seu per eum ad quem pertinet erigi facere valeant et in et de eadem ecclesia quoddam collegium de uno magistro<sup>9</sup> siue custode capellano et de tot sociis Capellanis et aliis ministris quot eisdem Episcopo Johanni Nicholao Ricardo et Ricardo ac prefato Thome la Warre videbitur expedire diuina in ecclesia predicta<sup>10</sup> singulis diebus pro salubri statu nostro ac dictorum Episcopi et Thome la Warre dum vixerimus et animabus nostris cum ab hac luce migrauerimus ac animabus progenitorum nostrorum et antecessorum ipsius Thome la<sup>11</sup> Warre necnon animabus omnium fidelium defunctorum celebraturis imperpetuum facere fundare et stabilire possint juxta ordinacionem dictorum Episcopi Johannis Nicholai Ricardi et Ricardi ac prefati<sup>12</sup> Thome la Warre<sup>12</sup> seu quinque quatuor trium vel duorum predictorum Episcopi Johannis Nicholai Ricardi Ricardi et Thome la Warre in hac parte faciendam imperpetuum.

Et quod idem magister siue Custos et successores sui magistri<sup>13</sup> siue custodes collegii predicti magistri siue custodes Collegii beate Marie de Mauncestre nuncupentur imperpetuum. et quod idem magister siue custos et socii sui Capellani<sup>14</sup> ejusdem Collegii et successores<sup>14</sup> sui sint persone perpetue et capaces beneficiorum terrarum et tementorum ac aliarum possessionum et emolumentorum quorumcunque et quod habeant sigillum commune et quod idem magister siue custos ejusdem collegii<sup>15</sup> et successores sui possint implacitare et implacitari per nomen magistri siue custodis dicti Collegii.

Concessimus eciam et licenciam dedimus pro nobis et heredibus nostris quantum in nobis est<sup>16</sup> prefatis Episcopo Johanni Nicholao Ricardo et Ricardo quod ipsi quinque messuagia et decem acras terre cum pertinenciis in Mamcestre Gorton et Heton que sunt parcella dicti manerii ac aduocacionem predictam<sup>17</sup> que de nobis ut de dicto<sup>17</sup> Comitatu nostro palatino tenentur dare possint et assignare predictis magistro siue Custodi et sociis suis Capellanis ejusdem Collegii cum sit erectum factum fundatum<sup>18</sup> et stabilitum fuerit. habenda<sup>18</sup> et tenenda eisdem magistro siue Custodi et sociis suis Capellanis ejusdem Collegii et successoribus suis de nobis et heredibus nostris ut de dicto Comitatu nostro palatino<sup>19</sup> per seruicia inde debita<sup>19</sup> et consueta in subuencionem sustentacionis sue ac aliorum ministrorum dicti collegii imperpetuum.

Et eisdem magistro siue Custodi et sociis suis Capellanis ejusdem Collegii<sup>20</sup> quod ipsi dicta messuagia et terram cum pertinenciis et aduocacionem predictam a prefatis Episcopo Johanne Nicholao Ricardo et Ricardo recipere et ecclesiam illam appropriare et eam sic appropriatam in proprios<sup>21</sup> usus unacum messuagiis et terra predictis tenere<sup>21</sup> possint eisdem magistro siue Custodi et sociis suis Capellanis ejusdem Collegii et successoribus suis in subuencionem sustentacionis sue ac ministrorum<sup>22</sup> suorum predictorum imperpetuum ut predictum est tenore presencium similiter licenciam dedimus specialem.

Statuto de terris et tenementis ad manum mortuam non ponendis edito seu aliis statutis siue<sup>23</sup> ordinacionibus in contrarium factis non obstantibus. Nolentes quod predicti Episcopus Johannes Nicholaus Ricardus et Ricardus vel heredes sui aut prefati magister siue Custos et socii sui capellani collegii<sup>24</sup> predicti aut successores sui ratione seu colore statutorum predictorum aut aliis causis quibuscunque premissis nos progenitores seu heredes nostros ut premittitur tangentibus vel concernentibus per nos<sup>25</sup> heredes seu successores<sup>25</sup> nostros justiciarios escaetores vice-comites aut alios ballivos seu ministros nostros heredum vel successorum nostrorum quoscunque inde occasionentur impetantur molestentur<sup>26</sup> in aliquo seu<sup>26</sup> grauentur.

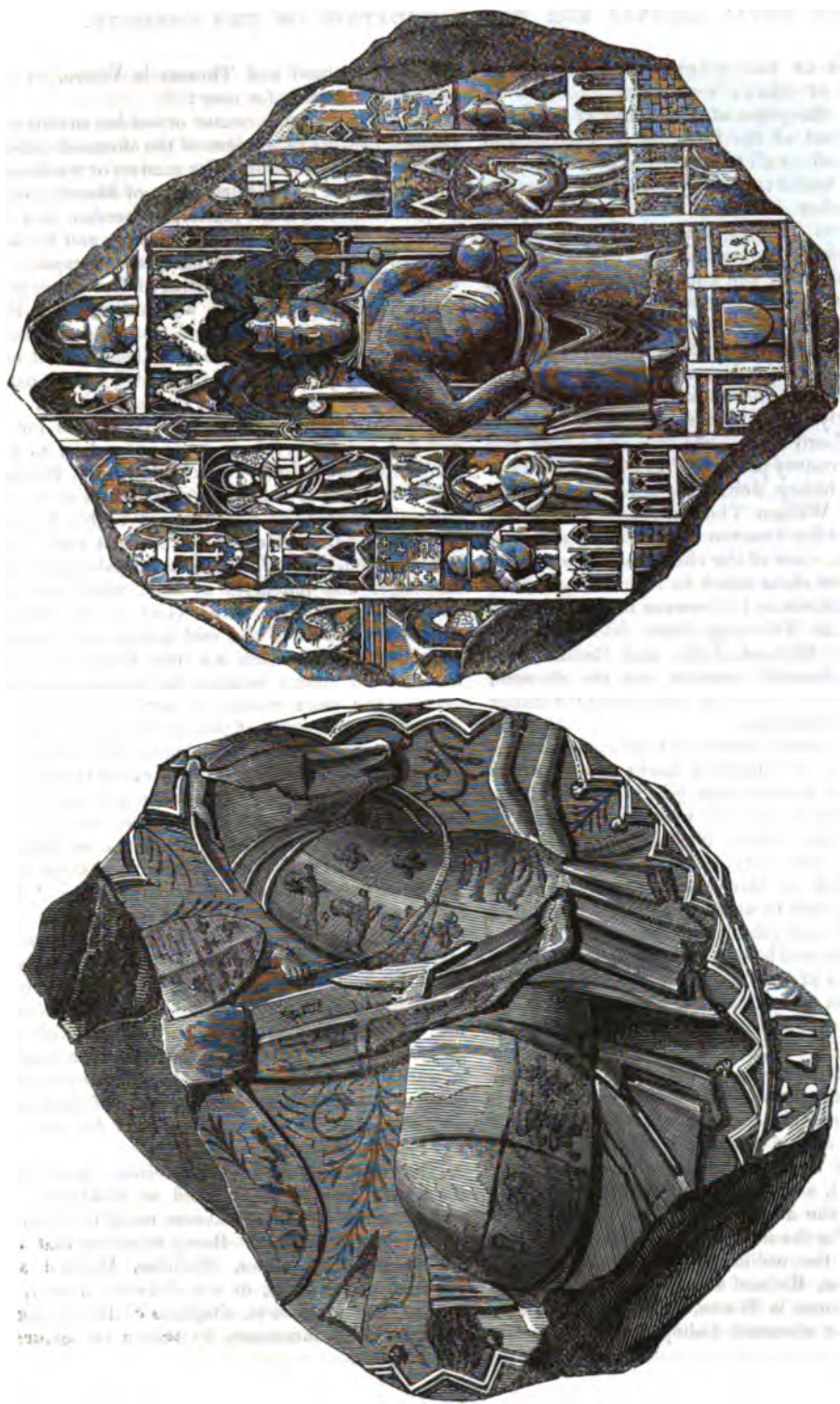
In cuius rei testimonium has literas nostras fieri fecimus patentes.

Teste me ipso apud Westmonasterium vicesimo secundo die Maii anno regni nostri nono.

S per breve de privato sigillo  
Thoralby

There are two words in italics which I am uncertain if I have omitted. They occur in the transcript, an imperfect one, given in Dugdale's Monasticon.





L. G. HERBERT-WARE DEL.

FRAGMENT OF THE SEAL, AND OBVERSE, OF HENRY THE FIFTH, ATTACHED TO THE ROYAL LICENSE OF FOUNDATION.

TRANSLATION OF THE LICENSE OF FOUNDATION  
OF HENRY THE FIFTH.

Henry, by the grace of God, king of England, heir and regent of the kingdom of France, and lord of Ireland, to all to whom the present letters shall come, health: know ye, that whereas the venerable father in Christ, Thomas, bishop of Durham, John Henege, Nicholas Motte, parson of the church of Swyneshevede, Richard Lumbarde, late parson of the church of Holtham, and Richard Ffrith, hold the manor of Manchester, with its appurtenances, together with the advowson of the church of Manchester, in the county of Lancaster, to themselves and their heirs, by the gift and infetment of Thomas la Warre, clerk, as doth manifestly appear by a certain fine levied in the court of the Lord Henry, late king of England, our father, of his county palatine of Lancaster, between the aforesaid bishop, John, Nicholas, Richard and Richard and William Thirnyng, knight, William Auncell and John Overton now defunct, also William Rouceby, vicar of the church of Sleaford (who all his right and claim which he had or might have in the same manor and advowson to the aforesaid bishop, William Thirnyng, John, Nicholas, William Auncell, Richard, John, and Richard, remitted and released), querents, and the aforesaid Thomas la Warre, deforciant, concerning the manor and advowson aforesaid.

We, of our special grace, and from our certain knowledge, for two hundred marks paid into our treasury, have granted and given license for us and for our heirs, as much as in us lieth, to the aforesaid bishop, John, Nicholas, Richard and Richard, that they may be empowered to erect the said church of Manchester into a collegiate church, or, by him to whom it pertaineth, to cause to be erected, and [that] they may make, found, and establish in and belonging to the same church a certain college of one master, or warden (a chaplain), and of as many fellows (chaplains), and other ministers, as to the same bishop, John, Nicholas, Richard and Richard, and to the aforesaid Thomas la Warre shall seem expedient, to celebrate, for ever, Divine rites in the aforesaid church on each day for our healthful state, as well as for [that of] the said bishop and Thomas la Warre, while we shall live, and for our souls when we shall depart from this light, and for the souls of our progenitors, and of the ancestors of Thomas la Warre himself, also for the souls of all the faithful defunct, according to the ordinance of the said bishop, John, Nicholas, Richard and Richard, and of the aforesaid Thomas la Warre, or five, four, three, or two of the aforesaid bishop, John, Nicholas,

Richard, Richard and Thomas la Warre, in this behalf, to be made for ever:

And that the same master or warden and his successors, masters or wardens of the aforesaid college, may be declared for ever the masters or wardens of the College of the Blessed Mary of Manchester.

And that the same master, or warden, and his fellows, chaplains of the same college, and his successors, may be perpetual parsons and capable of benefices, lands, and tenements, and of other possessions and emoluments whatsoever, and that they may have a common seal, and that the same master, or warden, of the same college and his successors, may plead and be impleaded by the name of the master, or warden, of the said college:

We have granted also and given license for us and for our heirs, as much as in us lies, to the aforesaid bishop, John, Nicholas, Richard, Richard and Richard, that they may give and assign to the aforesaid master, or warden, and to his fellows, chaplains of the same college, when it shall have been erected, made, founded, and established, five messuages and ten acres of land, with their appurtenances, in Manchester, Gorton, and Heton, which are parcels of the said manor, and the advowson aforesaid, which are held from us as from the said our county palatine, to be possessed and held by the same master, or warden, and by his fellows, the chaplains of the same college, and by their successors, from us and from our heirs as from the said our county palatine, by services thence due and accustomed, in aid of their support and of the other ministers of the said college for ever:

And, by the tenor of these presents, we have in like manner given special license to the same master, or warden, and to his fellows, chaplains of the same college, that they the said messuages and land, with their appurtenances, and the advowson aforesaid, may receive from the aforesaid bishop, John, Nicholas, Richard and Richard, and appropriate the church, and the same, thus appropriated, may hold to their proper uses, together with the messuages and land aforesaid, to the same master, or warden, and to his fellows, chaplains of the same college, and to their successors, in aid of their support and of their ministers aforesaid for ever, as was beforesaid.

The statute published concerning lands and tenements not to be placed at mortmain, or any other statutes or ordinances made to the contrary, notwithstanding. Being unwilling that the aforesaid bishop, John, Nicholas, Richard and Richard, or his heirs, or the aforesaid master, or warden, and his fellows, chaplains of the aforesaid college, or his successors, by reason or colour of

the aforesaid statutes, or by other causes whatsoever premised, affecting or concerning us, our progenitors or heirs, as is premised, should be thence charged, disturbed, molested in anywise, or aggrieved by us, our heirs or successors, justiciaries, escheators, sheriffs, or other bailiffs, or our servants whomsoever of our heirs or successors.

In testimony of which we have ordered these our letters patent to be made.

Witness myself, at Westminster, on the twenty-second day of May, in the ninth year of our reign.

Signed by a breve from the private seal.  
Thoralby.

## CHAPTER IX.

THE VARIOUS PARTIES WHOSE JOINT CONSENT TO THE APPROPRIATION WAS DEMANDED BY THE BISHOP OF THE DIOCESE.

The royal license which had been obtained was but the commencement of a long process, conceived to be essential by the bishop of Lichfield and Coventry.

Before an appropriation, or the annexing of a benefice to some spiritual body, could be made, it would be indispensable,

First,—That the concurrence of the patron should be obtained.—This was effected, in the instance of the parish of Manchester, by the joint consent of the bishop of Durham and others, who, as co-trustees, possessed the advowson of the church, and supported Thomas, Lord la Warre, the late patron, in the solemn duty of preventing the spiritual interests of the parishioners from being ever again neglected, or utterly forsaken by rectors, engaged in the secular occupations allotted to them by selfish lay lords. Patrons of this stamp held benefices in no farther regard, than as affording them the means (to use the current phrase of Wycliffe) “of having their offices done for nought.”

Secondly,—Before an appropriation could be made, the consent of the incumbent would be required.—This was accomplished by Thomas, Lord la Warre, having been himself the rector, as we shall find recorded in the charter of foundation;—

Thirdly,—It would be deemed necessary, that the consent of the dean of the deanery should be obtained.—Manchester, as I have shewn (see page 99), was one of the ten parishes comprised within the rural deanery of Manchester, for which reason any one of the incumbents of the said ten parishes might by the archdeacon be nominated to the office of dean. But, at this time, it conveniently happened, that Thomas la Warre held the united

functions of rector and dean of Manchester, presiding as dean over the ten parishes of Manchester, Eccles, Prestwich, Bury, Middleton, Rochdale, Ashton, Flixton, Radcliffe, and Bolton. We accordingly find that in the address from the parishioners of Manchester to the bishop of the diocese, supplicating him to collegiate their parish church, the seal of the dean was with propriety appended.

Fourthly,—The king's license would be required.—This had been obtained through the joint influence of the bishop of Durham, then the king's chancellor, and the bishop of Lichfield, who would naturally conceive that the only antidote against long abuses of patronage would be to vest the benefices thus abused under the controul of some spiritual corporation, such, for instance, as that which was proposed to be named “the Guild of the Blessed Mary of Manchester.”

Fifthly,—It is probable that the confirmation of the holy see to the appropriation would be judged necessary.—Of this, however, there may be some doubt, as will be shewn hereafter.

And, sixthly,—It would appear that before the bishop of the diocese felt inclined to give his consent to the collegiate of the parish church of Manchester, it was thought necessary that the sense of the parishioners themselves should be taken upon the propriety of the measure.—It was for them to say, by their giving or withholding their consent to the petition intended to be addressed to the bishop of Lichfield, whether or not the accusation of Thomas, Lord la Warre, against his predecessors who held the advowson of Manchester, was or was not founded in truth;—it was for them to say, whether from the traditional testimony of their forefathers, added to their own actual experience, the endowment meditated by early founders for the promotion of Divine worship and the cure of souls, had or had not been diverted from its original and sacred object, dating from Saxon times, in order to be lavished upon clerks employed in the royal treasury, or in the stewardship or other services of the lord's household, &c. &c.;—or whether, while the parishioners were thus deprived of the services of efficient rectors, they had or had not been served by remote stipendiary chaplains, who (as Wycliffe has explained them) were a migratory description of spiritual jobbers, who, in travelling from one destitute parish to another, “hired out their work.”

The parishioners were accordingly summoned to meet for the purpose of supporting a petition addressed to the bishop of the diocese, in approval of the motives for which the king's license had been obtained, that the parish church of Manchester might be erected into a collegiate church.



## CHAPTER X.

CONSENT OF THE PARISHIONERS OF MANCHESTER  
AND OF THE DEAN RURAL TO THE FOUNDATION.

We learn from the petition, ultimately agreed upon, that all and singular the parishioners of the church of Manchester, convened at the sound of the bell, were headed by the two churchwardens, Lawrence Hulme and Henry Bukleye, yeomen, and "by various influential knights, esquires, and gentlemen," all of whom, in the first place, made their obedience to the bishop of Lichfield "with the reverence and honour due to so great a father," and then resolved upon a petition, the tenor of which was as follows:—

The petition, in the first place, adopted the words of the king's license, in stating, that it was the intention to found a collegiated church, to consist of one warden (a chaplain) and of as many fellows (chaplains) as to the bishop of Durham and others (including Richard Ffryth, the nominal lord of the manor and advowson of Manchester), and to Thomas, Lord la Warre, might seem expedient;—

It also stated the provision made in celebration of Divine rites for the healthful state of the king, the lord bishop of Durham and Thomas, Lord la Warre, &c. &c., and for their souls when they should depart from this light;—

It next announced, that full consent had been given by the whole of the parishioners for the augmentation of the Divine worship of the church, in which they express their opinion, that the purpose of the bishop of Durham and others was "useful and expedient;"—

The petitioners, again, professed, that they approved of and consented to any process intended by the episcopal authority on behalf of the community or universality of the parishioners of the church of Manchester, and that they would give their full support to the same, as much as in them lay;—

Lastly, in order to render the declaration more solemn, the parishioners resolved that the seal of the dean of the deanery of Manchester should be used, together with the seals of many present, as indicative of the unanimity which prevailed in this personal and spiritual requisition.

This document was accordingly signed and sealed in the parish church of Manchester on the 14th of June, 1421.

<sup>1</sup> <sup>1</sup> Reverendo in Christo patri et domino domino Willielmo dei gracia Coventrensi et Lichfeldensi Episcopo vestri humiles et deuoti Laurencius

Hulme et Henricus Bukleye <sup>2</sup>yeonomi sive bonorum ecclesie parochialis de Mamcestre vestre diocesis custodes et gardiani ac Johannes Le Byron et Johannes de Radclyff milites <sup>3</sup>Edmundus Trafford Johannes de Bothe Radulphus Longeforde Thurstang de Holand Jacobus Strangeweys Robertus de Hyde Robertus de <sup>4</sup>Bothe Otho de <sup>4</sup>Redwyche Johannes de Barlowe Radulphus de Prestwyche Petrus de Workeslee Jacobus Hulme et Johannes de Hilton <sup>5</sup>armigeri necnon Willielmus de Birches Johannes Bameforde Laurencius de Barlowe Galfridus de Hilton et Willielmus <sup>6</sup>de <sup>6</sup>le Highfeld generosi predictae ecclesie parochialis de Mamcestre comparochiani ac ceteri omnes et singuli ejusdem ecclesie parochialis parochiani ad sonitum campane <sup>7</sup>ibidem pulsate unanimiter congregati ac convocacione sive universitate parochianorum dicte ecclesie parochialis de Mamcestre facientes obedientiam cum <sup>8</sup>reuerencia et honore debito tanto patri

Cum reuerendus in Christo pater et dominus dominus Thomas permissione Divina Dunolmensis Episcopus Johannes <sup>9</sup>Henege et Richardus Motte <sup>9</sup>persona ecclesie parochialis de Swynesheued Ricardus Lumbards nuper persona ecclesie de Holtham et Ricardus Ffrith dominus <sup>10</sup>manerii de <sup>10</sup>Mamcestre cum pertinenciis suis una cum advocacione ecclesie parochialis de Mamcestre predictae in comitatu Lancastrie vestre diocesis sibi et eorum <sup>11</sup>heredibus ex dono et feoffamento Thome la Warre <sup>11</sup>clerici predicti manerii nuper Domini et proprietarii proponunt ut asservuerunt dictam ecclesiam parochialem <sup>12</sup>de Mamcestre in ecclesiam collegiatam erigi <sup>12</sup>ac in et de eadem ecclesia quoddam collegium de uno magistro sive custode cappellano et de <sup>13</sup>tot <sup>13</sup>sociis Cappellanis et aliis ministris Deo in eodem Collegio servituris quot eisdem domino Episcopo Johanni Richardo Ricardo et Ricardo ac prefato Thome la Warre <sup>14</sup>videbitur expedire diuina in <sup>14</sup>dicta ecclesia singulis diebus pro salubri statu Excellentissimi in Christo Principis et domini nostri Domini Henrici <sup>15</sup>Regis Anglie heredis que et <sup>15</sup>Regentis Ffrancie et Domini Hibernie ac dictorum domini Episcopi et Thome la Warre dum vixerint Animabusque eorundem <sup>16</sup>ac omnium <sup>16</sup>fideliu defunctorum imperpetuum celebraturis per vos et vestra auctoritate ordinaria et diocesana ordinari fieri fundari debite et stabiliri facere <sup>17</sup>et <sup>17</sup>procurare proponant pariter et affectant omnium et singulorum quorum in hac parte interest conspectu assensu consilio et auctoritate intus herentibus permanentibus <sup>18</sup>et obtentis <sup>18</sup>

Nos vestre diocesis Laurencius Hulme et Henricus Buckley yeonomi sive bonorum dicte ecclesie parochialis de Mamcestre custodes et gardiani <sup>19</sup>predicti ceterique milites Armigeri et generosi <sup>19</sup>

communis ecclesie comparochiani antedicti ac alii ejusdem ecclesie parochiani omnes et singuli attendentes per <sup>20</sup> premissa cultum divinum adaugeri ecclesie dicteque propositum prefatorum domini Dunolmensis Episcopi et ceterorum cum eo superius notatorum tamque utile et expediens <sup>21</sup> dicte parochie nostre merito amplectentes Ereccioni ecclesie dicte ac processui cuicunque per vos et vestra auctoritate ordinaria in hac parte faciendis tenore presencium <sup>22</sup> quantum in nobis est ac nos et communitatem sive Universitatem parochianorum dicte ecclesie de Mamcestre premissa tangunt <sup>23</sup> seu tangere potuerint quoquomodo <sup>24</sup> perpetuo in futurum nostros conspectum et assensum damus et impertiimus. Atque realiter ex certa sciencia nostra consentimus per presentes-

<sup>24</sup> In cujus rei testimonium <sup>25</sup> sigillum Decani Decanatus de Mamcestre una cum nostris sigillis presentibus apponi pensavimus

Et Nos Decanus et Decanatus sigillum officii nostri <sup>26</sup> ad personalem et spiritualem requisicionem dictorum confatuencium et consenciencium una cum sigillis eorundem presentibus apposuvimus

Datum in ecclesia parochiali de Mamcestre predicta xiiii die Mensis Junii Anno domini millesimo CCCXXI<sup>o</sup>

TRANSLATION.

To the reverend father and lord in Christ, the Lord William, by the grace of God, bishop of Coventry and Lichfield, your humble and devoted Lawrence Hulme and Henry Bukleye, yeomen, or keepers and wardens of the goods of the parish church of Manchester of your diocese, and John le Byron and John de Radclyff, kts., Edmund Trafford, John de Bothe, Ralph Longeforde, Thurstang de Holand, James Strangeweys, Robert de Hyde, Robert de Bothe, Otho de Redwyche, John de Barlow, Ralph de Prestwyche, Peter de Workeslee, James Hulme, and John de Hilton, esquires, also William de Birches, John Bameford, Lawrence de Barlowe, Geoffrey de Hilton, and William de le Highfeld, gentlemen, fellow-parishioners of the aforesaid parish church of Manchester, and others, all and singular parishioners of the same parish church, at the sound of the bell there struck being unanimously congregated, and in a convocation or universality of the parishioners of the said parochial church of Manchester, making obeisance with the reverence and honour due to so great a father,

Whereas the reverend father and lord in Christ, the Lord Thomas, by Divine permission, bishop of Durham, John Heneye, and Richard Motte, parson of the parish church of Swynesheved, Richard

Lumbards, late parson of the church of Holtham, and Richard Frith, lord of the manor of Manchester, with its appurtenances, together with the advowson of the parish church of Manchester aforesaid, in the county of Lancaster, of your diocese, propose, as they asserted, for themselves and their heirs, by the gift and infestment of Thomas la Warre, clerk, late lord and proprietor of the aforesaid manor, that the said parish church of Manchester should be erected into a collegiate church, and, in and belonging to the same church, a certain college, of one master or warden, a chaplain, and of as many fellows, chaplains, and other ministers, to serve God in the same college, as to the said bishop, John, Richard, Richard and Richard, and to the aforesaid Thomas la Warre shall seem expedient, to celebrate for ever Divine rites in the said church on each day for the healthful state of the most excellent prince and our lord in Christ, the Lord Henry, king of England, and heir and regent of France, and lord of Ireland, also of the said lord the bishop, and of Thomas la Warre while they shall live, and for the souls of the same, and of all the faithful defunct,—Through you, and, by your ordinary and diocesan authority, they propose, and greatly wish as well to accomplish, and to procure to be ordained, made, duly founded, and established, with the inherent regard, assent, counsel and authority, permanent and obtained of all and singular in this behalf, whom it may concern :

We, of your diocese, Laurence Hulme and Henry Buckley, yeomen, or keepers, and wardens aforesaid, of the goods of the said parish church of Manchester, and others, knights, esquires, and gentlemen, fellow-parishioners aforesaid of the common church, and other parishioners of the same church all and singular, expecting, by the premises, the Divine worship of the said church to be increased, and, accordingly, embracing the proposal of the aforesaid lord the bishop of Durham and of the others with him above named, as useful and expedient to the said our parish by the erection of the said church, do also give and bestow our approbation, and assent, as much as in us lieth, to every process whatsoever, by you, and by your ordinary authority in this behalf to be made, by the tenor of these presents, and in whatever mode for ever hereafter the premises affect, or shall be enabled to affect, the community, or generality of the parishioners of the said parish church of Manchester; and, in reality, from our certain knowledge, we consent by these presents.

In testimony of which we have considered that the seal of the dean of the deanery of Manches-

ter, together with our present seals, should be attached.

And we, the dean and the deanery, have affixed the seal of our office to the personal and special requisition of the said persons mutually declaring

and consenting, together with the present seals of the same.

Dated in the parochial church of Manchester aforesaid, on the 14th day of the month of June, in the year of the Lord 1421.



The first seal given is that of the Deanery.—Six other seals are destroyed.

## CHAPTER XI.

## THE CHARTER OF FOUNDATION.

With the foregoing free consent of the parishioners, and even of the rural deanery of Manchester, no little facility was given to the alienation of the advowson from a long succession of Norman barons, by whom it had been grossly abused.—But the canonical process demanded still other forms. It was necessary that the chief functionaries of the bishopric of Lichfield and Coventry, within which the church of Manchester was situated, should adjudicate in the question of a charter of foundation.

The heads of the diocese of Lichfield and Coventry, to whom it was demanded that the bishop of Durham and others, along with Thomas, Lord la Warre, should represent the state of the parochial church of Manchester and the necessity of erecting it into a college, were,

First,—The bishop of Lichfield and Coventry;

Secondly,—The prior and chapter of the church of Coventry;

Thirdly,—The dean and chapter of the church of Lichfield;—and

Fourthly,—The archdeacon of Chester.

Of William de Heiworth, consecrated bishop of Lichfield and Coventry the year previously, November 28th, 1420, honourable mention has already been made.

Richard Crossby was the prior of Coventry, who had been elected on the 10th of May, 1399.

The dean of Lichfield was Thomas de Stretton, whose date of preferment was May 15th, 1390. He had been confirmed by Bishop Scroope.

Henry de Halsall was the archdeacon of Chester, within whose archdeaconry the church of Manchester was situated. He had been collated May 15th, 1413, upon the resignation of William de Newhagh.

Before the collegiating of the rectorial church of Manchester could be accomplished, it would be necessary that the joint concurrence of these functionaries should be obtained. Even in the choice of a bishop, as was explained in the election of a former dignitary, Walter de Langton, the joint consent of the monks of Coventry and of the decanal canons of Lichfield, assembled together in the chapter house of Lichfield, was considered indispensable. And as for the archdeacon of Chester,—it was evident that nothing could be done in the process of collegiating a parish church within his archdeaconry, until his distinct interests had been fully weighed.

These diocesan functionaries were implored, with no little earnestness, to support the prayer of the

bishop of Durham and others, at the instigation of Thomas, Lord la Warre, who, in offering to increase the endowment of the parochial church of Manchester to two hundred and fifty marks and more annually, professed that the object was an augmentation of the church to the praise and honour of God, and a more successful discipline directed to the cure of souls, whereby an additional number of clerks might be supported, never to serve God in the same manner as had hitherto been done.

To this petition the bishop of Lichfield made a favourable reply. He summoned all who might be more or less concerned in the collegiating of the parish church of Manchester to meet him and his colleagues in chapter, that they might thereby satisfy their conscience that the allegations were fortified by truth. Which solemn and judicial inquisition was held in the chapel of the bishop's manor house of Heywood, on the 3rd of August, 1421.

The result of this convocation was a CHARTER OF FOUNDATION, of which a copy is intended to be comprised within the present chapter.

The general contents of the charter may be described as follows:—

In the first place,—It recapitulated, in a sort of historical narrative, the motives for collegiating the parish church of Manchester.—These have been explained and commented upon in the preceding chapters of this work.

Secondly,—In bringing down the history to the date of the diocesan convention, the charter further informs us, that the first business of the prior and chapter of the church of Coventry, of the dean and chapter of the church of Lichfield, and of the archdeacon of Chester, was to nominate procurators, or proctors, on their several behalfs.

Thirdly,—We are informed, that the collegiating of the parish church of Manchester, and the motives for the same, gave considerable dissatisfaction to certain of the party convoked to attend, whereby they incurred the penalty of contumacy.

Fourthly,—This introduction is followed by the actual erection and foundation of the College and Collegiate Church of Manchester.

Fifthly,—We are presented with a declaration of the public notary regarding the correctness of the proceedings, and the interlineations occurring in the course of drawing up the charter.—And,

Sixthly,—We learn that the charter of foundation was confirmed by the prior and chapter of the church of Coventry, and by the archdeacon of Chester.

Such is the distribution of subjects contained within the charter of foundation. As this docu-

ment cannot be better understood than by following the order which has been explained, it will be divided into six consecutive portions, accompanied with a translation and remarks.

§ 1. THE FIRST PORTION OF THE CHARTER OF FOUNDATION.

In the first portion, or the preamble of the charter, the motives for collegiating the parish church of Manchester are explained.

We learn from this preamble what was the general object of the convocation, and in what manner the bishop of Durham and other trustees associated with him stood to the manor and advowson of Manchester by the deed of infettment made by Thomas, Lord la Warre.—Next follows the remarkable exposition [see page 137] of the motives which induced this founder to petition for the collegiating of the parish church of Manchester. These have been referred to the extent and population of the parish, and to the abuses of patronage.—In the course of this explanation, the royal license of foundation [already given, see page 145] is rehearsed.—We are, then, made acquainted with the anxious manner in which the bishop of the diocese was supplicated to call together, by a legitimate process, the heads of the diocese, and to proceed to the business of a foundation.

*The Charter of Foundation.*

*Preamble.*

S. Universis sancte matris ecclesie filiis ad quos presentes littere pervenerint Willielmus permissione diuina Couentrensis et Lichfeldensis Episcopus salutem in Domino et perpetuam memoriam reigeste Noverit universitas vestra quod nos in negocio erectionis ecclesie parochialis de Mamcestre nostre diocesis in ecclesiam <sup>2</sup> collegiatam et fundacionis collegii in et de eadem concurrentibus et obseruatis omnibus et singulis que in hac parte de jure seu consuetudine requirebant et requirunt vocatis omnibus et singulis in hac parte de jure vocandis ac seruato per nos in omnibus in hac <sup>3</sup> parte legitimo processu ad hujusmodi <sup>4</sup> ecclesie erectionem in ecclesiam collegiatam ac fundacionem hujusmodi collegii et ad cetera inferius descripta auctoritate nostra ordinaria procedimus in hunc modum.

In Dei nomine amen. Cum nuper reuerendus in Christo pater Dominus Thomas permissione diuina Dunelmensis Episcopus Johannes Henege <sup>4</sup> Nicholaus Motte <sup>4</sup> persona ecclesie de Swyneshawed Ricardus Lumbard nuper persona ecclesie de Holtbam et Ricardus Ffryth dominus manerii

de Mamcestre cum pertinenciis suis in comitatu Lancastrie nostre diocesis una cum aduocatione ecclesie parochialis de Mamcestre predictae. Ac venerabilis vir dilectus in Christo filius Thomas la Warre clericus nunc rector <sup>5</sup> ecclesie de Mamcestre predictae ac nuper dominus manerii et aduocationis predictorum ex cujus dono et feoffamento dictus dominus Thomas Episcopus et ceteri cum eo superius nominati dictum habuerunt et habent manerium una cum advocatione predicta sancto et felici ducti proposito nobis nuper exponendo suggesterint Ut cum ipsi <sup>6</sup> pie considerantes quod predicta ecclesia de Mamcestre largam et amplam habens parochiam atque multum populosam temporibus retrocitatis per rectores consueuerit regi et gubernari quorum aliqui nunquam aliqui perraro personaliter residere curarunt in eadem set eidem ecclesie cui magna et grandis imminerebat et imminet cura <sup>7</sup> animarum per capellanos stipendarios remotiuos adminiculum deserui fecerunt. fructus et obuenciones hujusmodi ecclesie in usus proprios pro suo libito commouentes ex quorum absencia diuturna sequebantur cure animarum neglectus diminutio cultus diuini hospitalitatis et sustentacionis pauperum defraudacio et gran<sup>8</sup> de periculum <sup>8</sup> animarum Hec et alia predicta ac parochinorum eiusdem diuturna et continuata incommoda dictus reuerendus pater Thomas Dunelmensis Episcopus et ceteri cum eo superius nominati ac prefatus Thomas la Warre ad memoriam reducentes et cordis oculis contemplantes cupientesque ut assuerint <sup>9</sup> coram nobis contra negligencias defectus <sup>9</sup> et incommoda hujusmodi ne inantea contingant in quantum cum Deo poterunt de oportunis remediis providere et premissam in melius reformari. A serenissimo in Christo principe et domino nostro domino Henrico Dei gracia rege Anglie Herede et regente regni Ffrancie et <sup>10</sup> domino Hibernie <sup>10</sup> illustri. Ut ipsi dictam ecclesiam parochialem de Mamcestr in ecclesiam collegiatam erigere seu per eum ad quem pertinet erigi facere possent et in ac de eadem quoddam collegium de uno magistro sive custode capellano et de tot sociis capellanis et aliis ministris quot predictis domino Thome Episcopo <sup>11</sup> et ceteris cum eo superius nominatis ac prefato Thome la Warre videretur expedire diuina singulis diebus in predicta ecclesia pro salubri statu dicti domini nostri regis ac dictorum domini Thome Episcopi et Thome la Warre dum vixerint et pro ipsorum animabus cum ab hac luce migrauerint ac progenitorum suorum et ante<sup>12</sup>cessorum <sup>12</sup> dicti Thome la Warre necnon animabus omnium fidelium defunctorum celebraturis. licenciam impetrauerint et obtinuerint quam nobis sub literis patentibus ejusdem domini nostri regis exhibuerunt. quarum tenor sequitur et est talis.

Henricus dei gracia rex Anglie heres et regens  
<sup>12</sup>regni Ffrancie et dominus <sup>13</sup>Hibernie omnibus ad  
 quos \* \* \*

[Here follows a rehearsal at length of the royal charter given in pages 145 and 146 of this work.]

<sup>20</sup> Summe desiderantes ut dixerunt et cupientes  
 premissa ad dei laudem et honorem cultusque di-  
 vini in ipsa ecclesia augmentacionem ac cure anima-  
 rum parochianorum dicte ecclesie felicius regimen  
 et ipsorum parochianorum status subuencionem ad  
<sup>20</sup>finem produci perspectum et <sup>30</sup>optatum nobis  
 cum non modica iustancia supplicarunt quatenus  
 consideratis premissis necnon quod dicte ecclesie  
 fructus redditus prouentus et obuenciones ad sum-  
 mam ducentarum quinquaginta marcarum et amplius  
 annuatim comitantibus omnibus se extendant ex  
 quibus ampliatio personarum nunquam Deo ibidem  
<sup>21</sup>deservi-<sup>21</sup>turarum quam hactenus in eadem exstite-  
 rant sufficienter potest et in futurum poterit sus-  
 tentari.

Vocatis omnibus quorum interest in hac parte  
 vocandis ac seruatis de jure seruandis nos etiam  
 nostram conscienciam in hac parte super premissis  
 debite informare dignaremur. Et si premissa  
<sup>22</sup>inueniremus <sup>22</sup>veritate fulciri ipsam ecclesiam pa-  
 rochiale de Mamcestr in ecclesiam collegiatam  
 erigere et alia facere dignaremur que ad nostrum  
 in hac parte spectant officium pastorale.

Nos itaque considerantes hujusmodi supplicacio-  
 nem piam et deuotam ac consonam rationi. Di-  
<sup>23</sup>lectos filios priorem et <sup>23</sup>capitulum ecclesie nostre  
 Couentrensis ac decanum et capitulum ecclesie  
 nostre Lichfeldensis ac Archidiaconum nostrum  
 Cestriensem in dicta ecclesia nostra Lichfeldensi  
 infra cujus Archidiaconatum dicta parochialis ec-  
 clesia de Mamcestr consistit nominaturos et in  
 specie et alios omnes et singulos sua interesse in  
<sup>24</sup>hac parte putantes <sup>24</sup>in genere in hujusmodi erec-  
 tionis et fundacionis negocio coram nobis proces-  
 suros et procedi viros facturosque et recepturos  
 quod in hac parte iusticiariis suadebit et canonicis  
 conuenerit institutis mandamus et fecimus ad  
 certos diem et locum competentes coram nobis  
 legitime vocari.

<sup>25</sup> Quibus die <sup>25</sup>et loco coram nobis in huiusmodi  
 ereccionis et fundacionis negocio pro tribunali  
 sedentibus pars dictorum domini Thome Dunel-  
 mensis Episcopi et ceterorum cum eo superius  
 nominatorum ac prefati Thome la Warre quoddam  
 certificatorium super execucione mandati nostri in  
<sup>26</sup>hac parte exhibuit per quod <sup>26</sup>apparuit predictos  
 dilectos filios priorem et capitulum ac decanum et  
 capitulum dictarum ecclesiarum Couentrensiarum et  
 Lichfeldensium ac Archidiaconum nostrum Ces-  
 triensem nominaturos et in specie et alios omnes  
 quorum interest vocandos in genere fuisse et esse

ad illos diem et locum preemptorie citatos et legi-  
 time premonitos quibus quidem <sup>27</sup>sic citatis publice <sup>27</sup>  
 de mandato nostro preconizatis ac sufficienter et  
 legitime comparentibus coram nobis prefatis di-  
 lectis filiis priore et capitulo Couentrensi necnon  
 decano et capitulo Lichfeldensium ecclesiarum  
 nostrarum predictarum ac magistro Henrico Hal-  
 sall Archidiacono nostro Cestriensi per suos  
 procuratores quorum procuratoriorum <sup>28</sup>tenores. <sup>28</sup>  
 sequuntur et sunt tales.

Pateat universis \* \* \*

#### TRANSLATION.

To all the sons of the holy mother church to whom  
 the present letters shall have been made known,  
 William, by Divine permission bishop of Coventry  
 and Lichfield, health in the Lord and a perpetual  
 remembrance of our undertaking. Be it known to  
 you all that in the business of an erection of the  
 parish church of Manchester of our diocese into a  
 collegiated church, and of the foundation of a  
 college in and belonging to the same, all and  
 singular things agreeing and being observed which  
 in this party were and are requisite from right or  
 custom, all and singular persons who from right  
 were to be summoned in this party having been  
 summoned, and a lawful process having been ob-  
 served by us in all things in this behalf towards the  
 erection of such a church into a collegiated church,  
 as well as towards the foundation of such a college,  
 and to other things below described, We, by our  
 ordinary authority proceed after this manner:

In the name of God, Amen! Whereas of late  
 the reverend father in Christ the Lord Thomas,  
 by Divine permission, bishop of Durham, John  
 Henege, Nicholas Motte, parson of the church of  
 Swynesheved, Richard Lumbard, late parson of the  
 church of Holtham and Richard Ffryth, lord of  
 the manor of Manchester with its appurtenances,  
 in the county of Lancaster, of our diocese, together  
 with the advowson of the parish church of Man-  
 chester aforesaid, and a venerable man, a beloved  
 son in Christ, Thomas la Warre, clerk, now rector  
 of the church of Manchester aforesaid, and lately  
 lord of the manor and of the advowson aforesaid,  
 by whose gift and infestment the said Lord Thomas  
 the Bishop and the others above named with him  
 have possessed and do possess the said manor,  
 together with the advowson aforesaid, being in-  
 duced by a holy and fruitful purpose, not long ago  
 requiring to be expounded to us, suggested,

That when they, piously considering, that the  
 before-said church of Manchester having a large  
 and ample parish, also very populous, had in by-  
 gone times been accustomed to be ruled and  
 governed by rectors, of whom some never, others

Henry, by the grace of God, King of England,

Greatly desirating, as they said, and craving that the premises to the praise and honour of God, and the augmentation of Divine worship in the

On which day and place, a party of the said Lord Thomas, the Bishop of Durham, and of the others above named with him, and of the aforesaid Thomas la Warre, exhibited before us, while tribuually sitting in the business of such erection and foundation, a certain certificate upon the execution of our mandate in this party, by which it appeared, to name also especially, that the beforesaid beloved sons, the prior and chapter, and dean and chapter of the said churches of Coventry and Lichfield, and our archdeacon of Chester, and that all others generally, whom it concerned, requiring to be summoned, had been and were peremptorily cited to the day and place, and lawfully forewarned, who, indeed, thus publicly cited, having been proclaimed by our mandate, and sufficiently and lawfully appearing before us, the before-

mentioned beloved sons the prior and chapter of Coventry, also the dean and chapter of our before-said churches of Lichfield, and Master Henry Halsall our archdeacon of Chester, by their procurators, of whose procuracies the tenors follow and are suchwise,

Be it known to all men \* \* \*  
[To be continued.]

§ 2. THE SECOND PORTION OF THE CHARTER OF FOUNDATION.

From the concluding portion of the preamble it would appear, that subsequent to a rehearsal of all the motives and circumstances under which a legitimate process was brought forward for the collegiating the parish church of Manchester, the first business before the convention appertained to the appointment of procurators, or proctors, by each capitular body or functionary, for the purpose of co-operating with the bishop's commissary or commissaries. For, in a tedious process of this kind, it is easy to suppose that the dean and chapter of Lichfield, or the prior and chapter of the cathedral church of Coventry, or the archdeacon of Chester, could not without professional aid afford their time and labour to see the process of erection and appropriation carried into effect.—We are thus introduced to the second portion of the charter, which conveys the information, first, that a commissary, or commissaries, was, or were appointed.

The bishop of Lichfield, in proposing to make himself responsible for the annexation of the benefice of Manchester to the proper and perpetual use of a capitular body, intended to assign the carrying out of this process in all its details to one or more commissaries. These were functionaries who exercised spiritual jurisdiction in such parts of a diocese as were so far from the episcopal city that the chancellor could not call the people to the bishop's principal consistory court without their too great inconvenience. With the name of the commissary, or commissaries, appointed by the bishop of Lichfield, for the purpose of seeing the legitimate process of erection and appropriation carried into effect, we are not made acquainted.

This second portion of the charter puts us in possession of the warrants named procuracies, or proxies, given by the prior and chapter of the church of Coventry, the dean and chapter of the church of Lichfield, and the archdeacon of Chester, to their respective procurators. The procurators, or proctors, thus arrayed with authority, were officers established to represent the parties who might empower them to see completed any given object

connected with ecclesiastical business, to explain the rights of their principals for whom they were allowed to appear in all chapters, or in any ecclesiastical court whatever, or in the convocation house held during the time of parliament. Their various employers were, in return, required to hold as ratified and firm whatever the said procurators should determine, under penalty of their goods and substance; and were also made responsible for any expense incurred by their proctors while representing the interests of which they were put in charge.

**The Procurators appointed by the Prior and Chapter of the Cathedral Church of Coventry.**

Their appointment is contained in a deed of procuracy bearing date the 3rd of August, 1421, in which the prior and chapter of the cathedral church of Coventry nominated Thomas Ffereby, Thomas Morton, and John Hayton, monks of their priory; also Masters William Schyppeley, John Huntynghdon, and Gregory Neuport, clerks, to be their lawful procurators and special messengers, and authorised to agree in all things with the commissary or commissaries appointed by the bishop.

*Pateat universis per presentes quod nos prior et capitulum ecclesie Cathedralis Couentrensis Capitulariter congregati ad comparendos nomine nostro et pro nobis ac capitulo nostro coram reuerendo in Christo patre et domino domino Willielmo Dei gracia Couentrensi et Lichfeldensi Episcopo qui ut dicitur ecclesiam <sup>30</sup>parochialem de Mamcestr <sup>30</sup>Couentrensis et Lichfeldensis Diocesis proponit erigere in collegiatam dicti vice Reuerendi patris commissario aut commissariis quibuscunque in negotio erectionis ecclesie huiusmodi ac cum dicto Reuerendo patre in hac parte tractando et omnibus hiis que in huiusmodi erectionis negotio ordinari contigerint con<sup>40</sup>senciendis. Ceteraque omnia et <sup>40</sup>singula in huiusmodi erectionis negotio fieri necessaria et requisita facienda exercenda et expedienda Dilectos nobis in Christo fratrem Thomam Ffereby Thomam Morton et Johannem Hayton monachos nostri prioratus magistros Willielmum Schyppeley Johannem Huntynghdon et <sup>41</sup>Grego<sup>41</sup>rium Neuport clericos communitem et diuitem et quemlibet eorum in solidum. Ita quod non sit melior condicio occupantis set quod unus eorum inceperit quilibet ipsorum voluntarie prosequi mediare valeat et finire nostros veros et legitimos ordinamus facimus et constituimus ad premissa omnia et singula procuratores et <sup>42</sup>nuncios <sup>42</sup>*



speciales promittentes nos Ratum gratum atque firmum perpetuo habituros totum et quicquid dicti procuratores nostri seu eorum aliquis fecerint seu fecerit in premissis vel aliquo premissorum sub hypotheca et obligatione omnium bonorum nostrorum iudicioque sisti et iudicatum solui promittimus<sup>43</sup> et cauciones exponimus<sup>44</sup> per presentes.

In cuius rei testimonium sigillum nostrum commune presentibus duximus apponendum Datum in domo nostra Capitulari. tercio die mensis Augusti Anno domini millesimo quadringentesimo vicesimo primo.

## TRANSLATION.

Be it known to all men by these presents, that we the prior and chapter of the cathedral church of Coventry in chapter assembled, do ordain, make, and constitute to all and singular the premises, our true and legitimate procurators and special messengers, the beloved to us in Christ, the brother Thomas Ffereby, Thomas Morton and John Hayton, monks of our priory, the Masters William Schypeley, John Huntynghdon and Gregory Newport clerks, in common and separately, and any of them in full, to appear in our name and for us and our chapter, before the reverend father and lord in Christ the Lord William by the grace of God bishop of Coventry and of Lichfield, who, as is said, proposes to erect the parish church of Manchester of the diocese of Coventry and Lichfield into a collegiate church, by the commissary, or commissaries, whoever they may be, deputed of the said reverend father, in the business of such an erection, also by treating with the said reverend father in this party, and by consenting to all those things which shall happen in the ordinary business of such an erection, and all and singular other things in the business of such an erection necessary and requisite to be done, to be done, practised and expedited. So that there be not a better condition of the occupant, but because one of them shall begin, any one of them may at pleasure be enabled to prosecute, take part in, and finish. Promising that we shall for ever hold ratified, acceptable and firm all and whatever the said our procurators, or any of them, should he or they do in the premises, or in any of the premises, under the pledge and obligation of all our goods, by a judgment also to be arrested, and what is adjudged we promise to be paid and, by these presents, we declare the cautions [securities].

In testimony of which we have been induced to attach our common seal.

Dated in our chapter house in the 3rd day of the month of August in the year of the Lord 1421.

**The Dean and Canons of the Cathedral Church of Lichfield, through their Public Notary, Richard Madsay, appoint William Brynkelowe to be their lawful Procurator.**

In dei nomine Amen per presens publicum instrumentum cunctis appareat evidenter quod anno domini millesimo<sup>45</sup> quadringentesimo vicesimo<sup>46</sup> primo Indictione quarta decima pontificatus sanctissimi in Christo patris et domini nostri domini Martini divina providencia *pape quinti* anno quarto mensis Augusti die quinto in domo Capitulari ecclesie Cathedralis Lichfeldensis in mei notarii publici et testatorum subscriptorum presencia personaliter constituti<sup>47</sup> venerabiles viri magistri Thomas de Stretton decanus ejusdem ecclesie Cathedralis Willielmus Newhagh Thomas Barton Walterus Bullok et Walterus Perys Canonici ut asseruerunt antedictae ecclesie cathedralis Lichfeldensis ibidem ut michi notario publico subscripto apparuit capulariter congregati<sup>48</sup> et capitulum ibidem ut asseruerunt facientes dilectum sibi in Christo magistrum Willielmum Brynkelowe ipsorum concanonicum et confratrem ecclesie antedictae ut asseruerunt tunc ibidem presentem suum verum et legitimum fecerunt et constituerunt in hac parte procuratorem dederunt quoque et concesserunt prefato procuratori suo potestatem generalem et mandatum speciale.

Ad comparandum nomine ipsorum et pro eis ac capitulo predicto coram Reuerendo in Christo patre et domino domino Willielmo dei gracia<sup>49</sup> Couentrensi et Lichfeldensi Episcopo qui ut dicitur ecclesiam parochialem de Mamcestr Couentrensis et Lichfeldensis diocesis proponit erigere in collegiatam ipsius vice Reverendi patris Commissario aut Commissariis quibuscunque in negotio ereccionis ecclesie huiusmodi ac cum eodem Reuerendo patre in hac parte tractando<sup>50</sup> et omnibus<sup>51</sup> hiis que in huiusmodi ereccionis negotio ordinari contigerint consensuendis Ceteraque omnia et singula in huiusmodi ereccionis negotio fieri necessaria et requisita facienda exercenda et expedienda.

Et promiserunt dicti constituentes michi notario publico subscripto vice et nomine omnium<sup>52</sup> et singulorum<sup>53</sup> quorum interest vel interesse poterit in hac parte publice et solempniter stipulanti et recipienti se ratum gratum et firmum perpetuo habituros totum et quicquid dictus procurator suus fecerit in premissis vel aliquo premissorum et exposuerunt cauciones.

Acta sunt hec prout supra scribuntur et re<sup>54</sup>ci-<sup>55</sup>tantur sub anno domini indictione pontificatus menae die et loco predictis presentibus discretis viris magistris Johanne Huntynghdon rectore ecclesie paro-

chialis de Assheton Ricardo Lombard rectore ecclesie parochialis de Kyrkeby super Bayn et domino Stephano Kaye rectore ecclesie parochialis de Wakerle Couentrensis <sup>21</sup> et Lichfeldensis ac Lincolnensis diocesis Testibus ad premissa vocatis specialiter et rogatis.

Et ego Ricardus Hadelsay clericus Eboracensis publicus auctoritate *pape* notarius premissis omnibus et singulis dum scripta ut premittitur sub anno domini Indicione pontificatus mense die et loco predictis agerentur et fierent una cum prenomminatis <sup>22</sup> testibus presens personaliter interfui eaque omnia et singula scripta fieri vidi et eadem scripsi publicavi et in hanc publicam formam redegei meisque nomine et signo solitis et consuetis signavi ac manu propria me hic subscripsi rogatus et requisitus in fidem et testimonium omnium et singulorum premissorum.

## TRANSLATION.

In the name of God, amen! By the present public instrument be it evidently apparent to all men, that in the year of the Lord 1421, in the fourteenth indiction of the pontificate of the most holy father and of our lord in Christ, the Lord Martin, by Divine Providence the fifth pope, in the fourth year, in the fifth day of the month of August, in the chapter house of the cathedral church of Lichfield, in the presence of myself public notary personally constituted and of the subscribed witnesses, the venerable men, the Masters Thomas de Stretton, dean of the same cathedral church, William Newhagh, Thomas Barton, Walter Bullok and Walter Perys, canons, as they asserted, of the beforesaid cathedral church of Lichfield, in the same place, as it appeared to me, the subscribed public notary, assembled in chapter, and in the same place, as they asserted, forming a chapter, made and constituted Master William Brynkelowe, beloved to them in Christ, their fellow canon and joint brother of the church before said, as they asserted, then in that place present, their true and lawful procurator in this party, and also gave and granted to the beforesaid their procurator a general power and special mandate,

To appear in the name of them, and for them, and for the aforesaid chapter, before the reverend father and lord in Christ, the Lord William, by the grace of God bishop of Coventry and Lichfield, who, as is said, proposes to erect the parish church of Manchester, of the diocese of Coventry and Lichfield, into a collegiate church, by the commissary, or commissaries, whoever they may be, deputed of the reverend father himself in the business of the erection of such a church, and by treating with the same reverend father in this

party, and by consenting to all those things which shall fall out in the ordinary business of such an erection, And other things, all and singular in the business of such an erection, necessary and requisite to be done, to be done, practised, and expedited.

And the said constituents promised to me, the said subscribed public notary, by the deputation and in the name of all and singular whom it concerns, or shall concern in this party, publicly and solemnly stipulating and taking minutes, that they would for ever hold ratified, acceptable and firm, the whole and whatever the said their procurator should do in the premises or in any of the premises, and they declared the cautions [securities].

These are the acts as they are above written and recited about the year of the Lord, the indiction of the pontificate, the month, day and place before said. There being present the discreet men, the Masters John Huntynghdon, rector of the parish church of Asseton, Richard Lombard, rector of the parish church of Kirkeby-upon-Bayn, and the Lord Stephen Kaye, rector of the parish church of Wakerle of the diocese of Coventry and Lichfield. The witnesses to the premises having been specially summoned and questioned.

And I Richard Hadelsay, clerk of York, by the authority of the pope, public notary to the premises all and singular, while the writings, as is premised, about the year of the Lord, in the indiction of the pontificate, in the month, day and place before said were executed and made, having been present, together with the above-named witnesses, personally interposed, and all and singular the things written I saw to be done, and the same wrote, published and reduced to this public form, and, with my usual and accustomed name and sign, signed, and, having been asked and required, with my own hand here subscribed myself towards the faith and testimony of all and singular the premises.

**Henry Halsall, Archdeacon of Chester, empowers Robert Maderere and John Huntynghdon to be his lawful Procurators.**

<sup>23</sup> Pateat universis per presentes quod nos Henricus Halsall Archidiaconus Cestriensis Couentrensis et Lichfeldensis diocesis ad comparandum nomine nostro et pro nobis coram Reuerendo in Christo patre et domino domino Willielmo dei gracia Couentrensi et Lichfeldensi Episcopo qui ut dicitur ecclesiam parochialem de Mamcestr dicte <sup>24</sup> diocesis proponit erigere in collegiatam dicti vice reverendi patris Commissario aut Commissariis

quibuscunque in ereccionis negocio ecclesie huiusmodi ac cum dicto reuerendo patre tractando et omnibus hiis que in huiusmodi ereccionis negocio ordinari contigerint consensuendis. Cetera<sup>46</sup> que omnia et singula in huiusmodi ereccionis negocio fieri necessaria et requisita facienda et exercenda et expedienda. Dilectos nobis in Christo magistros Robertum Maderere et Johannem Huntynghdon in decretis Bacallarios communium et divisim et quemlibet eorum in solidum Ita quod non sit<sup>46</sup> melior condicio occupantis set quod unus eorum inceperit quilibens eorum libere prosecute mediare valeat et finire nostros veros et legitimos ordinamus facimus et constituimus ad premissa omnia et singula procuratores et nuncios speciales promittentes nos ratum gratum atque firmum habituros<sup>47</sup> totum et quicquid dicti procuratores nostri seu eorum alteri fecerint seu fecerit in premissis vel aliquo premissorum sub ypotheca et obligatione omnium bonorum nostrorum iudicio sisti et iudicatum solui promittimus et cauciones exponimus per presentes.

In cuius rei testimonium sigillum nostrum presentibus est appensum.

<sup>48</sup> Datum apud Haywode tercio die mensis Augusti anno domini millesimo quadragentesimo vicesimo primo.

#### TRANSLATION.

Be it known to all men by these presents that we Henry Halsall, archdeacon of Chester, of the diocese of Coventry and Lichfield do ordain, make and constitute to all and singular the premises our true and lawful procurators and special messengers, the beloved to us in Christ, Masters Robert Maderere and John Huntynghdon, bachelors in decrees, in common and separately, and any of them in full, to appear in our name and for us before the reverend father and lord in Christ the Lord William by the grace of God bishop of Coventry and Lichfield, who, as is said, proposes to erect the parish church of Manchester of the said diocese into a collegiate one, by the commissary, or commissaries, whoever they may be, deputed of the said reverend father in the business of such an erection, also by treating with the said reverend father, and by consenting to all those things which shall happen in the ordinary business of such an erection, And all and singular other things in the business of this erection necessary and requisite to be done, to be done, practised and expedited. So that there be not a better condition of the occupant, but because one of them shall begin, any of them may freely be enabled to prosecute, take a part in, and finish. Promising that we shall hold ratified, acceptable and firm all and whatever

the said our procurators, or any of them, he or they, shall do in the premises, or in any of the premises, under the pledge and obligation of all our goods, by a judgment also to be arrested, and what is adjudged we promise to be paid and by these presents we declare the cautions [securities].

In testimony of which, our seal has been appended to these presents.

Dated at Haywode in the 3rd day of the month of August in the year of the Lord 1421.

#### § 3. THE THIRD PORTION OF THE CHARTER OF FOUNDATION.

In the portion of the charter of foundation which follows the two preceding ones, rehearsed and explained, we infer that the collegiate of the parish church of Manchester, and the motives for the same, gave considerable dissatisfaction to certain of the party convoked to give their attendance at the chapter, whereby they incurred the penalty of contumacy.

The grounds of this dissatisfaction are not stated. It might possibly have resulted from the long protracted disputes between the secular and regular clergy. It is stated that after the death of Walter de Langton, in the fourteenth century, a dispute was long kept up between the monks of Coventry and the canons of Lichfield regarding the choice of a bishop, notwithstanding the agreement that there should be an equal number of monks and canons at every election.

It is but too likely, however, that the extraordinary exposure which was made, in the true spirit of Wycliffe himself, of the abuses of church patronage, and the neglect of the cure of souls, might have given great offence to certain of the party who were summoned to take a share in the judicial process, or to give their evidence before the chapter then assembled. Hence, probably, their refusal to attend the consistory court, whereby they would render themselves liable to the penalty of contumacy.

In the mean time, the chapter busied itself in examining "witnesses, writings, rights, and evidences, and different muniments in proof of the premises," which, according to the words of the charter, "they weighed diligently, with circumspection, and with mature deliberation." Finding, therefore, after an investigation of two or three days, namely, from the 3rd to the 5th of August, that the premises were "fortified by truth," they no longer hesitated to laud the holy and pious intent of the proposed appropriation, and to proceed at once with the business of erection and foundation.

**Declaration of the Contumacy of certain Persons.**

Tandem pars dictorum domini Thome Episcopi et ceterorum cum eo superius nominatorum ac prefati Thome la Warre contumaciam aliorum in hac parte in genere citatorum et non comparencium <sup>50</sup> accusavit instantes <sup>51</sup> quos iterato fecimus publice preconizari et ipsos sic preconizatos ac sufficienter expectatos ac non comparentes pronunciauimus quare reputauimus in hac parte prout erant indicto contumaces. In quorum penam contumacie et in presencia partis prefatorum dilectorum <sup>52</sup> filiorum prioris et decani ac capitulorum <sup>53</sup> predictorum et prefati magistri Henrici Halsall Archidiaconi nostri Cestriensis pars dictorum domini Thome Episcopi et ceterorum cum eo superius nominatorum ac prefati Thome la Warre certos testes scripta iura evidencias quoque et munimenta diversa ad probanda premissa nobis ut prefertur pro parte ipsorum domini <sup>54</sup> Thome Episcopi et ceterorum cum eo superius nominatorum ac prefati Thome la Warre suggesta et exposita produxit coram nobis judicialiter ministravit et exhibuit ipsisque testibus et probacionibus de consensu et assensu partis dictorum dilectorum filiorum prioris ac decani <sup>55</sup> et capitulorum predictorum ac prefati <sup>56</sup> magistri Henrici Halsall Archidiaconi nostri Cestriensis et in penam contumacie aliorum ut premittitur citatorum comparere non curancium debite [*concurrentibus*] eisque testibus in forma juris iuratis ac auctoritate nostra debite postea examinatis et eorum dictis et depositionibus et aliis exhibitis predictis in hac <sup>57</sup> parte postea debite publicatis ipsisque diligenter per nos prius inspectis et cum deliberacione matura recensitis [*pronunciamus et adjudicamus omnia et singula*] premissa nobis per dictos Thomam Dunelmensem Episcopum et ceteros cum eo superius nominatos ac prefatum Thomam la Warre superius <sup>58</sup> suggesta et exposita veritate fulciri

Idcirco nos Willielmus dei gracia Couentrensis et Lichfeldensis Episcopus predictus sanam et piam augmentorum intencionem dictorum domini Thome Episcopi et ceterorum cum eo superius nominatorum ac prefati Thome la Warre in hac <sup>59</sup> parte merito commendantes et <sup>60</sup> in huiusmodi erectionis et fundacionis negocio ulteriusque legitime procedentes.

Ad laudem et honorem \* \* \* \*

TRANSLATION.

At the last, a party of the said Lord Thomas the Bishop and of the others above named with him, and of the aforesaid Thomas la Warre, earnestly accused the contumacy of some cited in

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this party in general and not appearing, whom we have once more caused to be publicly proclaimed, and [against] such as were thus proclaimed and sufficiently waited for and not appearing, we have pronounced, inasmuch as we have considered that in this party, they were by the proclamation contumacious.—Upon penalty of the contumacy of whom, and in the presence of a party of the before said beloved sons the prior and the dean and of the aforesaid chapters, and of the aforesaid Master Henry Halsall our Archdeacon of Chester, a party of the said Lord Thomas the Bishop and of the others above named with him, and of the aforesaid Thomas la Warre, produced before us, judicially administered and exhibited certain witnesses, writings, rights, and evidences, also divers muniments, prepared and expounded, to prove to us the premises, as is shewn on the part of them the Lord Thomas the Bishop and of the others above named with him, and of the aforesaid Thomas la Warre. And the same witnesses and proofs duly agreeing, by the consent and assent of a party of the said beloved sons the prior and dean, and of the aforesaid chapters, and of the before said Master Henry Halsall our Archdeacon of Chester, and upon penalty of the contumacy of some, as is premised, cited and not caring to appear, those witnesses being also sworn in the form of a jury, and by our authority being duly afterwards examined, and their sayings and depositions and other things aforesaid exhibited in this party being afterwards duly published, and these having been first by us duly inspected, and with mature deliberation reviewed, we pronounce and adjudge all and singular the premises above prepared and expounded by the said Thomas Bishop of Durham, and the others above named with him, and the aforesaid Thomas la Warre, to be fortified by truth.

Wherefore we, William, by the grace of God, Bishop of Coventry and Lichfield aforesaid, in this behalf worthily commending the holy and pious intention of augments of the said Lord Thomas the Bishop and of the others above named with him, and of the aforesaid Thomas la Warre, and in the business of an erection and foundation of this description, still farther legitimately proceeding:

To the praise and honour \* \* \*

§ 4. THE FOURTH PORTION OF THE CHARTER OF FOUNDATION.

At the close of the foregoing extract we learn, that, after a rigid and most complete inquiry had been made into the circumstances which induced the bishop of Durham and Thomas la Warre to

seek for a new constitution and appropriation connected with the spiritual interests of the parish of Manchester, the business of an erection and foundation of the college and collegiate church was no longer delayed.

The charter of foundation, properly so called, which follows, was declared by William de Heiworth, the lord bishop of Lichfield and Coventry, as framed in connexion with certain ordinances and statutes of the bishop of Durham and Thomas la Warre, to be approved of by the chapter. We learn from the charter,

First,—That the church of Manchester was dedicated to the praise and glory of God, to the Virgin, and to the Saints Dionysius and George, the martyrs;

Secondly,—That its proposed object was the augmentation of Divine worship, the cure of souls, and the profit and common utility of the parishioners;

Thirdly,—That with the consent of Thomas la Warre, the present rector of the church, the same was erected into a collegiate church, and that in the same place there was created a perpetual college governed by one master, or warden, a chaplain;

Fourthly,—That the master, or warden, presented by Thomas, bishop of Durham, and Thomas la Warre, should be presented for ever, and by the bishop of Lichfield and his successors, or by the keeper of the spirituality in the episcopal see, be admitted for ever, and canonically instituted and inducted in the said college;

Fifthly,—That there was to be eight fellow chaplains received and admitted, who were to live together in the said college;

Sixthly,—That they were charged to pray for the healthful state and for the souls of the king, the bishop of Durham and Thomas la Warre, &c. [As directed in the royal license of foundation given in page 147];

Seventhly,—That the master, or warden, and eight fellows were to be perpetually supported from the rents, fruits, produce, and revenues of the said college;

Eighthly,—That to the said master, or warden, or to his successors, belonged the cure of souls and the government of the chaplains and other ministers serving in the said collegiate church, and also of the parishioners of the said church or college of Manchester;

Ninthly,—That special license was granted by the bishop of Lichfield to Thomas, bishop of Durham, and Thomas la Warre, to frame and digest reasonable ordinances and statutes for the government of the college;

Tenthly,—That, upon the resignation or decease of the present rector, Thomas la Warre, the warden and fellows of the college were to retain for ever the church of the college, as well as all rents, profits, and revenues referred to in the intended ordinances and statutes;

Eleventhly,—That the episcopal right and jurisdiction of the see of Lichfield and Coventry, was to be continued in force over the same church of Manchester;

Twelfthly,—That an annual pension of forty shillings was to be paid to the bishop of Lichfield and Coventry and his successors, at the feast of the Holy Michael;

Thirteenthly,—That, at the same time and place, an annual pension of twenty shillings was to be paid to the dean and chapter of Lichfield;

Fourteenthly,—That another annual pension of twenty shillings was to be paid to the archdeacon of Chester, for the time being;

Fifteenthly,—That a reservation was made of the rights, interest, and indemnity appertaining to the archdeaconry, by reason of the erection of the college;

Sixteenthly,—That, in case of a failure of paying the aforesaid pensions, the profits, rents, &c., of the college were to be sequestered in satisfaction thereof, with a liability to other canonic censures, &c.

The charter was dated at Heywood, on the 5th day of August, 1421, in the presence of several noble and honourable witnesses.

### **The Charter of Foundation declared by the Bishop of Lichfield and Coventry.**

Ad laudem et honorem omnipotentis Dei gloriose que virginis ac genitricis ejusdem in cuius honorem dicta ecclesia de Mamcestre dedicata consistit sanctorumque Dionisii et Georgii martirum cultusque divini <sup>66</sup>augmentacionem ac cure <sup>66</sup>animarum parochianorum dicte ecclesie debitum exercicium et profectum et dictorum parochianorum utilitatem communem ad instantem supplicacionem dictorum domini Thome Episcopi et ceterorum cum eo superius nominatorum ac prefati Thome la Warre habitis prius super hoc dili<sup>67</sup>gentibus solemnitatibus cum capitulis eccle<sup>67</sup>siarum nostrarum predictarum capitulariter congregatis ac in presencia partis dictorum dilectorum filiorum prioris et capituli Couentrensi ac decani et capituli Lichfeldensi ecclesiarum nostrarum earundem necnon dilecti filii magistri Henrici Hallsall Archidiaconi nostri Cestriensis predicti

<sup>66</sup> et de eorum ac dictorum patronorum necnon omnium parochianorum dicte ecclesie de Mamcestre consensu et assensu expressis ac in penam contumacie absencie ut prefertur citatorum et preconizatorum publice ac comparere non curancium concurrentibus que et observatis omnibus et <sup>67</sup> singulis que in hac parte de jure seu <sup>68</sup> consuetudine requirebantur et requiruntur Vocatisque in hac parte de jure vocandis ac seruato per nos in hac parte in omnibus legitimo processu omnia et singula per prefatos dominum Thomam episcopum et ceteros cum eo superius nominatos ac prefatum <sup>70</sup> Thomam la Warre nobis <sup>70</sup> ut prefertur suggesta et exposita vera fuisse et esse pronunciamus et declaramus.

Ac prefatam ecclesiam parochialem de Mamcestre cum suis iuribus et pertinenciis universis presente personaliter ac consensiente expresse prefato venerabili viro Thoma la Warre rectore eiusdem <sup>71</sup> ecclesie moderno in ecclesiam collegiatam erigendam fore decernimus et erigimus

Ibidem que unum collegium perpetuum de uno magistro siue custode capellano nobis seu successoribus nostris Couentrensibus et Lichfeldensibus Episcopis pro tempore existentibus seu custodi <sup>72</sup> spiritualitatis sede Episcopali ibidem <sup>73</sup> vacante juxta ordinationem dictorum domini Thome Episcopi et Thome la Warre imperpetuum presentando et per nos seu per illos imperpetuum admittendo et canonice instituendo ac inducendo in eodem et de octo sociis capellanis ac aliis ministris deo ibidem deservituris juxta ordinationem et nominationem <sup>73</sup> dictorum Reuerendi <sup>73</sup> patris Thome Episcopi ac venerabilis viri Thome la Warre quo advixerint in dicto collegii recipiendis et admittendis ac diuina inibi pro salubri statu dicti domini nostri Regis et dictorum domini Thome Episcopi Dunelmensis et Thome la Warre dum vixerint ac pro ipsorum <sup>74</sup> animabus cum ab hac luce migrauerint <sup>74</sup> ac progenitorum suorum et antecessorum dicti Thome la Warre necnon animabus parochianorum dicti collegii ac omnium fidelium defunctorum juxta eorundem dicti Thome Episcopi et ceterorum cum eo superius nominatorum fundacionem ac dictorum domini Thome Episcopi et Thome la Warre ordinationem faciendam celebraturis auctoritate <sup>75</sup> nostra ordinaria quantum in nobis est fieri fundari et stabiliri decernimus per presentes

Quos quidem magistrum siue custodem dicti collegii fundati quemcumque per nos seu successores nostros siue custodem spiritualitatis ut prefertur admittendum et canonice instituendum et inducendum, ac ceteros ministros <sup>76</sup> predictos et alios in ipso collegio imposterum ut prefertur recipiendos et admittendos de redditibus fructibus prouentibus et obuencionibus dicte ecclesie collegiate

presentis et future et aliis eis in ea parte debite adquirendis juxta ordinationes et statuta dictorum domini Thome Episcopi et Thome la Warre decernimus perpetuo sustentari. <sup>77</sup>

Ad quem quidem magistrum siue custodem ipsiusve successores quoscumque perpetuis futuris temporibus curam animarum et regimen capellanorum ceterorumque ministrorum in dicta ecclesia collegiata pro tempore deseruienchium necnon parochianorum dicte ecclesie seu collegii de Mamcestre <sup>78</sup> volumus et decernimus pertinere

Quibus quidem Thome Episcopo et Thome la Warre predictis de condendo et edendo ordinationes et statuta rationabilia in hac parte per nos tamen seu successorem nostrum confirmanda licenciam in domino concedimus et damus specialem.

Decernentes insuper et decernimus quod cedente <sup>79</sup> vel decedente prefato venerabili viro Thoma la Warre rectore eiusdem ecclesie moderno vel quomodolibet alias ipsam ecclesiam demittente liceat magistro siue custodi predicto habitis prius per eum ut est premissum canonicis institutione et inductione et ceteris sociis ipsius collegii simul vel successivis receptis et admissis dictam ecclesiam <sup>80</sup> collegiatam et ejus possessionem tanquam ecclesie Collegii adipisci et pro perpetuo retinere et possidere ac de redditibus fructibus prouentibus et obuencionibus ejusdem et aliis in ea parte adquirendis libere disponere juxta ordinationem et statuta in hac parte <sup>81</sup> ut premititur condenda et edenda ac confirmanda.

Jure et jurisdictione nostris Episcopalibus ac dignitate ecclesiarum nostrarum Couentrensiarum et Lichfeldensium impetentibus in et de eadem ecclesia de Mamcestre predicta nobis et successoribus nostris Couentrensibus et Lichfeldensibus Episcopis ac ecclesiis nostris antedictis in omnibus aliis non <sup>82</sup> expressis et concessis semper salvis.

Nec non pensione annua quadraginta solidorum nobis et successoribus nostris singulis futuris annis imperpetuum per dictos magistrum siue custodem et socios in ecclesia nostra Lichfeldensi ad festum sancti Michaelis annuatim soluenda

Ac annua eciam pensione viginti solidorum <sup>83</sup> decano et capitulo dicte ecclesie nostre Lichfeldensis consimiliter soluenda.

Annua eciam pensione aliorum viginti solidorum Archidiacono nostro Cestriensi pro tempore existenti consimiliter pro quibuscumque suis jure interesse et indempnitate archidiaconalibus ratione ereccionis predictae soluenda reservatis.

Et si contingat <sup>84</sup> dictas annuas pensiones quadraginta viginti ac viginti solidorum aretro fore in futurum post terminum predictum non solutas in parte vel in toto extantes volumus et de consensu

dictorum Thome Episcopi et ceterorum cum eo superius nominatorum ac prefati Thome la Warre nobis hec facere supplicantium decernimus <sup>26</sup> et ordinamus ut ad solucionem et integram satisfactionem pensionum huiusmodi dicti collegii magister sive custos et socii huiusmodi per dictorum fructuum reddituum et proventuum sequestrationem et alias censuras canonicas per nos seu successores nostros huiusmodi summarie et de plano sine strepitu et <sup>27</sup> figura iudicii compellantur.

In cujus rei testimonium sigillum nostrum presentibus apposimus. Datum in manerio nostro de Haywode quinto die mensis Augusti Anno domini millesimo quadringentesimo vicesimo primo Et nostre consecrationis anno secundo Indiccione <sup>28</sup> que quarta decima pontificatus <sup>29</sup> sanctissimi in Christo patris et domini domini Martini summa providencia [*pape*] quinti anno quarto

Presentibus nobili viro domino Edmundo de Pfferrares de Charteley domino Johanne Bagot milite Petro de la Pole et Johanne Chetewynde Armigeris Magistris Johanne Heyworth Rectore ecclesie <sup>30</sup> de Thynnore ac Thoma Hytt et Gregorio Neupotte notariis publicis et aliis pluribus testibus ad premissa vocatis specialiter et rogatis.

#### TRANSLATION.

To the praise and honour of the omnipotent God, and of the glorious Virgin, and mother of the same, to the honour of whom the said church of Manchester having been dedicated, subsists, and of the holy martyrs Dionisius and George, and to the augmentation of divine worship and the due exercise and profit of the cure of souls of the parishioners of the said church, and the common utility of the said parishioners, at the importunate supplication of the said Lord Thomas the Bishop and the others with him above named and of the aforesaid Thomas la Warre, diligent formalities having been first held upon this, along with the chapters of our churches aforesaid assembled in chapter, and in the presence of a party of the said beloved sons the prior and chapter of Coventry and of the Dean and Chapter of Lichfield of the same our churches, also of the beloved son Master Henry Hallsall our Archdeacon of Chester aforesaid, and by the expressed consent and assent of them and of the said patrons, also of all the parishioners of the said church of Manchester, and on pain of the contumacy of absence, as is before shewn of those cited and publicly proclaimed and not heeding to come, and all and singular things concurring and being observed which in this party from right or custom were and are required, and there being summoned in this party all who from right were to be summoned, and a lawful pro-

cess having been served by us in this party in all things, we pronounce and declare all and singular the things, as is before stated, prepared and expounded by the beforesaid Lord Thomas the Bishop and the others above named with him, and the beforesaid Thomas la Warre, to have been and to be true.

And we decree that the aforesaid parish church of Manchester exist with all its rights and appurtenances, there being personally present and expressly consenting the venerable man Thomas la Warre, the present rector of the same church, to be erected, and we do erect, into a collegiated church.

And in the same place, by our ordinary authority, as much as in us lies, we decree by these presents to be made, founded and established, a perpetual college of one master, or warden, a chaplain, by us or by our successors, the bishops of Coventry and Lichfield for the time being, or by the keeper of the spirituality, should the episcopal see be at that place vacant, according to the ordinance of the same lord Thomas the Bishop and Thomas la Warre to be presented for ever, and by us, or by them to be admitted for ever, and to be canonically instituted and inducted in the same, and of eight fellows, chaplains, and other ministers, to serve God in the same place according to the ordinance and nomination of the said Reverend father Thomas the Bishop, and of the venerable man, Thomas la Warre, to the end that they should live together, to be received and admitted into the said college,

And, therein, to celebrate divine rites for the healthful state of the said lord our king, and of the said lord Thomas, bishop of Durham, and of Thomas la Warre, while they shall live, and for the souls of them when from this light they shall have migrated, and of their progenitors, and of the ancestors of the said Thomas la Warre, also for the souls of the parishioners of the said college, and of all the faithful defunct, according to the foundation of the same mentioned lord Thomas, the Bishop, and others with him above named, and the ordinance of the said lord Thomas, the Bishop, and of Thomas la Warre, [*yet*] to be framed;—

Which master indeed, or warden of the said founded college, whoever he may be, by us or our successors, or by the keeper of the spirituality, as is before shewn, to be admitted and canonically instituted and inducted, and the other aforesaid ministers and the others in this college hereafter, as is before shewn, to be received and admitted, we decree to be supported for ever from the rents, profits, supplies and revenues of the said collegiated church, present and future, and from such other [*gains*] in this party as are duly

to be acquired, according to the ordinances and statutes of the said lord Thomas the Bishop, and Thomas la Warre;

To which master indeed or warden, or his successors, whomsoever in all future times they may be, we will and decree to belong the cure of souls, and the government of the chaplains and other ministers serving for the time being in the said collegiate church, as well as of the parishioners of the said church or college of Manchester.

To which Thomas the Bishop and Thomas la Warre beforesaid we truly grant and give special license in the Lord regarding the composing and publishing the ordinances and reasonable statutes in this party, nevertheless by us or our successor to be confirmed.

Decreeing moreover and we do decree, that upon the aforesaid venerable man Thomas la Warre the present rector of the same church resigning or dying, or otherwise in any manner soever quitting this church, it may be lawful to the aforesaid master, or warden, (canonic institution and induction having been first possessed by him, as it has been premised, and the other fellows of the college together or successively having been received and admitted,) to acquire the said collegiate church and the possession of it as of the church of the college, and, for a perpetuity, to retain and to possess, and from the rents, fruits, profits and revenues of the same and other things in this party to be acquired, to freely distribute, according to the ordinance and statutes in this party, as is premised, to be digested, and published and confirmed.

Save always to us and to our successors the bishops of Coventry and Lichfield, and to our churches aforesaid, in all other things not expressed and conceded, our episcopal right and jurisdiction and the dignity of our churches of Coventry and Lichfield having claims in and relating to the same church of Manchester aforesaid.

Also an annual pension of forty shillings, to us and to our singular successors hereafter for ever to be paid annually by the said master, or warden, and fellows, in our church of Lichfield, at the Feast of the Holy Michael,

And also an annual pension of twenty shillings to the dean and chapter of the said our church of Lichfield, to be paid in like manner.

Moreover an annual pension of other twenty shillings to be paid to our Archdeacon of Chester for the time being, in like manner, for his archidiaconal right, interest and indemnity, whatever they may be, reserved by reason of the aforesaid erection.

And if it happen that the said annual pensions,

forty, twenty, and twenty shillings should be in arrears in future after the aforesaid term, remaining unpaid in part or in whole, we will, and, by consent of the said Thomas the Bishop and of the others above named with him, and of the beforesaid Thomas la Warre supplicating us to do these things, do decree and ordain, that towards the payment and entire satisfaction of such pensions of the said college, the master, or warden and fellows described, may summarily, and straight forward, and without tumult and the shew of judgment be compelled by a sequestration of the said profits, rents and produce, and by other canonic censures.

In testimony of which, we have appended our seal to these presents. Dated in our manor of Haywode in the fifth day of the month of August in the year of the Lord 1421, and in the second year of our consecration, also in the fourteenth indiction of the most holy pontificate, in the fourth year of the father and Lord in Christ the Lord Martin by Supreme Providence the fifth Pope.

There being present the noble man the Lord Edmund de Fferares de Charteley, the Lord John Bagot, Knight, Peter de la Pole and John Chetwynde Esquires, Masters John Heyworth, Rector of the church of Thynnore, and Thomas Hytt and Gregory Neuporte, Notaries Public, and many other witnesses specially summoned and invited to the premises.



From a Drawing by the late Miss Hibbert-Ware.

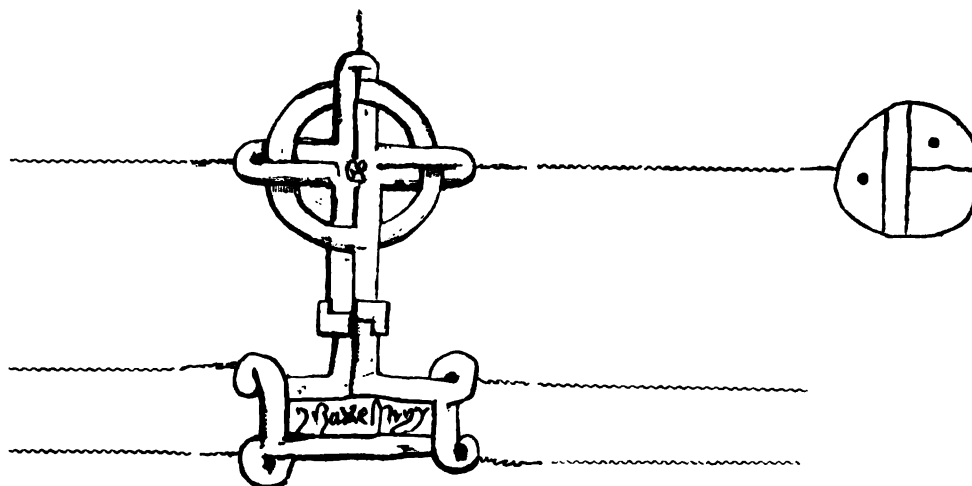
Sigillum Willielmi, Dei gracia, Cocontrensis et Lichfeldensis Episcopi.



§ 5. THE FIFTH PORTION OF THE CHARTER OF FOUNDATION.—DECLARATION OF THE PUBLIC NOTARY TO THE CORRECTNESS OF THE PROCEEDINGS.

To this charter follows a declaration of Richard Hadelsay, clerk of York and public notary, that he was present and drew up the whole of the proceedings in the chapel of the manor of Haywode, and he notices certain interlineations and corrections which he made.

*Declaration of the Public Notary.*



<sup>80</sup> Et ego Ricardus Hadelsay clericus Eboracensis publicus antedictus notarius premissis omnibus et singulis dictis sic ut premittitur sub anno domini millesimo CCC<sup>mo</sup> vicesimo primo indictione <sup>80</sup> quarta decima pontificatus sanctissimi in Christo patris et domini nostri domini Martini divina Providentia [*pape*] quinti anno quarto mense Augusti die quinto In capella manerii de Haywode prefati Reuerendi patris et domini domini Willielmi Dei <sup>81</sup> gracia Coventrensis et Lichfeldensis <sup>81</sup> Episcopi coram eodem Reuerendo patre Coventrensi et Lichfeldensi Episcopo et per ipsum agebantur et fiebant una cum testibus prenominationis presens personaliter interfui eaque omnia et singula sic fieri vidi et audiui aliundeque multiplicatis occurrentibus <sup>82</sup> per alium scribi feci publicavi et in hanc publicam formam de mandato prefati Reuerendi patris Coventrensis et Lichfeldensis episcopi redegei meisque nomine et signo solitis et consuetis signavi <sup>83</sup> rogatus et requisitus in <sup>84</sup> fi<sup>84</sup> dem et testimonium omnium premissorum

Constat michi notario antedicto de messuagiis *advocatione dictis omnibus serviciis* superius vicesima quinta linea a capite presentis instrumenti publici computando facta quam approbo ego notarius ante <sup>84</sup> dictus

In the charter of foundation, an unnecessary repetition of the royal license has been avoided. The reader there-

fore is referred to page 146, line 21, as numbered on the margin, where a supposed omission of the king's precept is corrected by episcopal authority!

Constat eciam michi notario predicto de interlineis istorum dictorum *meum verum et legitimum fecerunt et constituerunt in hac parte procuratorem dederuntque et concesserunt prefato procuratori suo protestatorem generalem et mandatum speciale* superius quadragesima sexta linea a capitulo presentis publici instrumenti eciam computando quam eciam approbo ego idem notarius.—[See p. 158.]

TRANSLATION.

And I, Richard Hadelsay, clerk of York, a public notary aforesaid to all and singular the said premises, thus, as is premised, about the year of the Lord 1421, in the 14th indiction of the most holy pontificate, in the fourth year of our lord and father in Christ the lord Martin by divine Providence the fifth Pope, in the month of August, in the fifth day, being personally present was in the midst, and saw and heard that all and singular the things were so done in the chapel of the manor of Haywode of the aforesaid Reverend father and lord, the lord William, by the grace of God, Bishop of Coventry and Lichfield, before the same reverend father Bishop of Coventry and Lichfield, and by him they were transacted and accomplished in con-

junction with the before named witnesses. And elsewhere occurrences having been multiplied, by another person, I wrote, made, published, and, by command of the beforesaid Reverend father the Bishop of Coventry and Lichfield, reduced into this public form, and, with my usual and accustomed name and sign, having been interrogated and placed in requisition towards the faith and testimony of all the premises,

It appears to me the beforesaid notary, in the twenty-fifth line, [see the remark appended to the latin text] in reckoning from the head of the present public instrument, inserted above, regarding the said messages, *advowson, all services*,—which I, the beforesaid notary, approve of.

It is also manifest to me the beforesaid notary regarding the interlineation of these words *made and constituted their true and lawful procurator in this party and gave and granted to the before said procurator a general power and special mandate*, placed above in the forty-sixth line, in likewise reckoning from the head of the present public instrument, which I also approve of, I the same notary.—[See p. 169.]

#### § 6. THE SIXTH PORTION OF THE CHARTER OF FOUNDATION.

The remaining portion of the charter of foundation consists of two appendages which have been made, being of dates much subsequent to the drawing up of the principal instrument. One of them is engrossed upon a spare corner of the charter, while the other is attached to it by a string. They consist of,

First,—The confirmation given by the prior and convent of the cathedral church of Coventry to the erection and decree of the bishop of Lichfield and Coventry, dated the 3rd of August, 1422; and

Secondly,—The confirmation which David Pryce, collated archdeacon of Chester, March 7th, 1422, gave to what had been done by his predecessor, Henry Halshall, who had died soon after the erection of the college and collegiate church of Manchester had been resolved upon in chapter. This confirmation deed is dated so late as the 25th of June, 1423. There was, however, a prior deed of confirmation bearing date the 26th of June, 1422, which existed in a detached state. Why two instruments of this kind were deemed necessary, we are not informed.

As these deeds, however, form no essential of the original charter of foundation, being merely appendages to the same, they will be more properly cited and rehearsed under the dates incidental to the sequence of legal proceedings which we are next endeavouring to trace.

## CHAPTER XII.

### THE LAWS WHICH WERE DRAWN UP FOR THE GOVERNMENT OF THE COLLEGE.

Subsequently to the date of the charter, on the 5th of August, 1421, we are informed, that for the better government and preservation of the college of Manchester, certain statutes, decrees, customs, and ordinances, which, by the special license of the bishop of Lichfield and Coventry, were directed to be framed and digested by the bishop of Durham and Thomas, Lord la Warre, became confirmed in chapter, and were published either on the 23rd or 28th day of July, 1422.

It is unfortunate that no traces of the existence of such a document are to be found either in the archives of Lichfield, or in the muniment chest of the collegiate chapter house of Manchester. That the drawing up of such a code of laws was actually accomplished, there can be no doubt whatever. It is not only referred to by contemporaneous documents, but its existence is absolutely asserted in the subsequent act of Philip and Mary, with this addition, that the code, in conjunction with the charter of 1421, served as a basis for the newer act. In the absence, therefore, of so important a document, the charter of Philip and Mary, a copy of which has been recently discovered, acquires particular interest. In this later instrument the code is exclusively ascribed to Thomas, bishop of Durham, John Henege, Nicholas Motte, Richard Lumbard, and Richard Frith. We are likewise assured, that many of the provisions of the newer act were based upon the older code; yet it would be unsafe, without more explicit information, to do anything more than quote the titles of the various internal laws coincident with the foundation of the college, which, in the more recent charter, are rehearsed as follows:—

First,—Regarding the right and form of presenting the master and other fellows, chaplains, and the clerks of the college;

Secondly,—Of the admission of the master of the college, of his oath, and of the obedience which is to be made to him by other jurors;

Thirdly,—Of the admission of the fellows, chaplains, and clerks of the college, of their oath, and of the obedience of the jurors;

Fourthly,—Of the form of admission of the fellows, chaplains, of the clerks, as well as of the choristers of the college;

Fifthly,—Of the duty of the master, or warden, of the college;

Sixthly,—Of the election of the chaplains of the parishioners, and of the duty required of them and of the other chaplains;

Sevently,—Of the residence of the master, or

warden, and of the other fellows, chaplains of the said college;

Eighthly,—Of the Divine offices which are to be executed, and of the mode of executing them;

Ninthly,—Of common and mutual habitation, of the conversation, and refecton of the master and chaplains;

Tenthly,—Of the stipends of all the collegiates; and of the decorum of their vestments;

Eleventhly,—Of the custody of the common seal of the college;

Twelfthly,—Of the humanity to be exhibited towards the infirm of the college;

Thirteenthly,—Of the correction and reformation of criminal excesses;

Fourteenthly,—Of the absence of collegiates;

Fifteenthly,—Of penalties.

### CHAPTER XIII.

#### THE PROCEEDINGS WHICH FOLLOWED THE GRANT OF A CHARTER OF FOUNDATION TO THE COLLEGE AND COLLEGIATE CHURCH OF MANCHESTER.

The train of legal proceedings which followed the charter of foundation granted by the bishop of Lichfield and Coventry, may be reduced to the following:—

First,—The confirmation by David Pryce, archdeacon of Chester, of the charter of foundation, and his approbation of the statutes framed for the government of the college; dated 26th of June, 1422.

Secondly,—A similar confirmation by the prior and chapter of the cathedral church of Coventry; dated 3rd of August, 1422.

Thirdly,—The infeftment of Thomas, Lord la Warre, of five messuages and ten acres of land, with their appurtenances, in Manchester, Alport, Gorton, and Heton, also the advowson of the church of Manchester, to certain feoffees, the bishop of Durham and others, for the use of the college; dated 8th of November, 1422.

Fourthly,—A letter of presentation addressed to the bishop of Coventry and Lichfield, by Thomas, Lord la Warre, in favour of John Huntynghdon, chaplain, and bachelor in decrees, to be the first warden of the college of Manchester; dated 23rd of November, 1422.

Fifthly,—The deed by which Thomas la Warre's feoffees confirm to John Huntynghdon, warden, and to the fellows of the college, certain lands in Manchester, Alport, Gorton, and Heton, and the advowson of the church of Manchester; dated December 14th, 1422.

Sixthly,—The letter of attorney addressed by Thomas la Warre's feoffees, authorising Ralph Bulkeley and Laurence Hulme to surrender the said lands and advowson to John Huntynghdon, warden, and the fellows of the college; dated December 14th, 1422.

Seventhly,—A second deed of confirmation by David Pryce, archdeacon of Chester, of the charter of foundation, with an approval of what his predecessor, Henry Halsball had done; dated 25th June, 1423.

These documents will be given in succession.

#### § 1. THE CONFIRMATION BY DAVID PRYCE, ARCHDEACON OF CHESTER, OF THE CHARTER OF FOUNDATION, ETC.

As David Pryce, archdeacon of Chester, delayed his confirmation ten months from the date of the charter of foundation, it is but too probable that he waited until the time when the statutes had been prepared for the government of the college, to which this legal instrument alludes.

The document now given, is not from the original deed, which is missing, but from a copy which accidentally came into the possession of the Rev. Canon Parkinson, who kindly permitted me to copy the same.

*Noverint universi per presentes quod nos David Pryce Archidiaconus Cestrie in ecclesia Lichfeldensi visis per nos fundacione collegii magistris sive custodis et cappellanorum ceterorumque ministrorum ecclesiasticorum in et de ecclesia de Mamcestre nostri Archidiaconatus sub certa forma in hiis literis quibus nostre presentes litere affixe sunt et annexe plenius expressa facta et stabiliata per reverendum in Christi patrem ac dominum domivm Thomam dei gracia Dunelmensem episcopum et alios in dictis hiis nominatos Ac eciam statutis et ordinationibus nonnullis in eisdem eorum literis conscriptis per ipsos subsequenter propter ipsius collegii regimen rite ac salubriter editis atque factis eisque et eorum singulis diligenter recensitis ac deliberacione sufficienti et matura perhibita super eisdem et eorum singulis quia predicta fundaciones ordinationes et statuta videmus meritoria atque rationalia fuisse et esse ac juri et rationi convenire.*

*Ipsa eciam et singula et contenta in eisdem laudamus et approbamus ac pro nobis ac successoribus nostris Archidiaconis Cestrie quibuscunque futuris quantum in nobis est tenore presentium ratificamus et confirmamus. In cujus rei testimonium sigillum nostrum presentibus est appensum. Datum in ecclesia Lichfeldensi vicesimo sexto die Junii anno domini millesimo quadragentesimo vicesimo secundo.*

TRANSLATION.

Know all men by these presents, that there having been seen by us the foundation of a college of a master, or warden, and of chaplains and of other ecclesiastical ministers in and belonging to the church of Manchester of our Archdeaconry, under a purposed form in those letters to which our present letters have been affixed and annexed, as more fully expressed, made and established by the Reverend father and lord in Christ, the Lord Thomas, by the grace of God Bishop of Durham, and others in the said [letters] named,

As well as certain statutes and ordinances in the same their letters, worthy of notice by reason of the government of the same college, having subsequently been rightly and wholesomely published and made by them, and these, and each of these, having been diligently weighed, and sufficient and mature deliberation having been bestowed upon the same and each of them,

We, David Price, Archdeacon of Chester, in the church of Lichfield, because we perceive that the aforesaid foundations, ordinances and statutes have been and are meritorious and rational, and agreeable to right and reason,

These also, and each likewise contained in the same, do commend and approve, and for us and for our successors, the future Archdeacons of Chester, whomsoever they may be, do ratify and confirm, as much as in us lieth, by the tenor of these presents:

In testimony of which, our seal has been appended to these presents.

Dated in the Church of Lichfield in the 26th day of June in the year of the Lord 1422.

§ 2. CONFIRMATION OF THE CHARTER BY THE PRIOR AND CHAPTER OF COVENTRY.

- <sup>1</sup> Et nos Ricardus Crosseby prior et conventus sive capitulum ecclesie Cathedralis Coventrensis dictis ereccioni et decreto ceterisque premissis omnibus et singulis per dominum Reuerendum in Christo patrem et dominum dominum Willielmum Dei gracia Couentrensem et Lichfeldensem Episcopum et coram eo actis habitis factis gestis decretis et exercitiis perhabito inter nos capitulariter  
<sup>2</sup> congregatos de et super eisdem diligenti tractatu nostros consensum et assensum prebuimus et prebimus ac ipsam ereccionem et decretum ceteraque premissa omnia et singula superius recitata facta et exercita quantum in nobis est et ad nos attinet approbamus ratificamus et confirmamus eaque omnia et singula rata valida perpetuo esse volumus  
<sup>3</sup> per presentes.

In cuius rei testimonium sigillum nostrum comune presentibus apponendum fecimus

Datum in domo nostra capitulari dicte ecclesie

Y

Coventrensis quo ad sigilli nostri hujus appositionem tercio die mensis Augusti anno domini millesimo quadringentesimo vicesimo secundo.

TRANSLATION.

And we, Richard Crosseby, prior, and the convention, or chapter, of the Cathedral church of Coventry, have yielded and do yield our consent and assent to the said erection, and to the decree, and to the other premises all and singular acted, performed, made, carried on, decreed and practised by the reverend Lord, the father and Lord in Christ, the Lord Wilham by the grace of God Bishop of Lichfield and Coventry, and before Him who had throughout abided among us while assembled in chapter, with diligent investigation relating to and upon the same;

And this erection and decree and the other premises all and singular above recited, done and practised, as much as in us lieth and to us belongeth, we approve, ratify and confirm, and all and singular those things which were ratified we wish to be for ever valid by these presents.

In testimony of which we have caused our common seal to be attached to these presents. Dated in our chapter house of the said church of Coventry, with a view to the applying of this our seal, in the third day of the month of August in the year of the Lord 1422.



From a Drawing by the late Miss Hibbert-Wara.  
 Sigillum Sancte Marie de Coventra.

§ 3. THE INFETTMENT OF THOMAS, LORD LA WARRE, OF FIVE MESSUAGES AND TEN ACRES OF LAND WITH THEIR APPURTENANCES IN MANCHESTER, ALPORT, GORTON AND HETON, ALSO THE ADVOWSON OF THE CHURCH OF MANCHESTER, TO CERTAIN FEOFFERS, THE BISHOP OF DURHAM AND OTHERS, FOR THE USE OF THE COLLEGE.—DATED 8TH OF NOVEMBER, 1422.

We learn from this deed, that Thomas la Warre demised and surrendered the whole estate which he had in certain messuages of land, as well as the advowson of the church of Manchester, to certain feoffees, the bishop of Durham and others, whereby all his interest as patron was intended to be alienated from his successors in the lordship of Manchester, to the proper and perpetual use of the newly founded college, so that the warden and fellows might become perpetual parsons, and have perpetual institution and induction.

The temporal possessions thus accruing to the college would consist of,

First,—The carucate of land in Kirkman's Hulme, granted to the church of Manchester anterior to the Conquest;

Secondly,—A glebe of land in Deansgate, known by the name of the Parsonage, gifted by a Greslet.—To these there was now added,

Thirdly,—An acre and thirty-four perches of land, named the Baron's Hull and Baron's Yard, it being intended that the baronial mansion there situated, should furnish accommodation for the warden and fellows of the college, who, agreeably to the statutes drawn up for the government of the same, might thus dwell together. The boundary of this site is described as commencing from the foot of a "lode," or way [an old English term from the A. S. *la'd*, significant of a *conducting*], on the bank of the Irk, which may be referred to the ancient lane now known by the name of "Mill Brow." The boundary then took a southerly direction of the present Long Millgate, as far as the angle formed by the intersection of a narrow road stretching east and west, named a "Vennel," now corrupted into Fennel-street. Near this angle may be supposed to have stood the mansion or "place," described as belonging to Ralph Staneley, knight. The boundary line, in quitting this point, was diverted in a direction from east to west, parallel with the present Collegiate Church, as far as "the Bull Oke," situated on the south of "the Hunt Hull," or Hill, now Hunt's-bank. This bull oak, to which, according to ancient usage, bulls were fastened for the purpose of being baited, or hunted by dogs before they were slaughtered, might very possibly have imparted the name

which the surrounding ground bore of "the Hunt Hull." From the Bull Oak the boundary line descended in a northerly direction by the Hunt Hull, or present Hunt's-bank, until the bridge of the Irk was reached, near the confluence of the Irk and the Irwell. It was then conducted eastward along the ascent of the middle of the channel of the Irk, until the starting place at Mill-brow, named "the Lode," was regained;

Fourthly,—Another gift of Thomas, Lord la Warre, consisted of ten perches of land between "the place" of Ralph Staneley, knight, and the Bull Oak, which land appears to have formed an intermediate space of ground, north of the present Collegiate Church;

Fifthly,—The next bequest, added to the endowments of the college, was eight and a half acres of land and thirteen perches lying in Nether Alport. The boundaries of the same are very minutely given, but it would be rather difficult to identify them at the present day. The site may be generally described as forming a margin of land between the Irwell and an ancient road (the present Water-street) leading to Old Trafford, which bank was intended to command a fishery for the use of the inmates of the college.

Sixthly,—There is a message mentioned as having been gifted, containing the trifling quantity of eleven and a half perches of land, situated at Gorton Green; while

Seventhly,—Another message of the same extent was at Heton. It has been conjectured that these two last gifts were incidental to one or two chapels of ease which had been built for the accommodation of the more distant parishioners of Manchester.

Such were the lands and messuages at present in possession of the college of Manchester, the chief being the carucate contributed by an unknown Saxon thane and benefactor, in comparison with which the subsequent lands given by a Greslet and by Thomas, Lord la Warre, were very insignificant. The great value of the present endowment consisted in the surrender of an advowson, which for centuries had been abused, to the vital injury of the best interests of Holy Church.

<sup>1</sup> Omnibus Christi fidelibus hoc scriptum visuris  
vel audituris Thomas la Warre Dominus la Warre  
salutem in Domino

Cum teneam quinque messuagia et decem acras  
terre cum pertinenciis in Mamcestre Gorton et  
Heton ut <sup>2</sup>parcellam manerii de Mamcestre vide-  
licet

Unum messuagium cum pertinenciis in Mamces-  
tre cum una acra et triginta et quatuor particalis

terre vocatis le Baronshull et Baronsyarde jacenti-  
<sup>3</sup>bus infra has divisas <sup>3</sup>videlicet incipiendo in pede  
communis lode ad ripam cujusdam aque vocate  
Irke juxta burgagium magistri Johannis Wright-  
yngton et sic ascendendo per predictum lode usque  
<sup>4</sup>burgagium Roberti filii Johannis de Holte <sup>4</sup>et sic per  
idem burgagium ascendendo per unum burgagium  
Laurencii de Hulme et per communem furnum  
ville de Mamcestre quem Johannes Chaloner de  
Mamcestre tenet et sic per unum aliud burgagium  
<sup>5</sup>predicti Laurencii et per novam placeam nuper  
Radulphi de Staneley militis usque le Bulle oke et  
sic a dicto Bulle oke descendendo per le Hunt  
Hull quem Edmundus Parker tenet usque medium  
<sup>6</sup>predicte <sup>6</sup>aque de Irke juxta quendam pontem  
vocatam Irke Brygge et sic semper ascendendo per  
medium aque predictae de Irke usque in pedem  
predicti lode qui erat prima bunda

<sup>7</sup> Decem particatas terre se <sup>7</sup>extendentes a pre-  
dicto Bull oke usque ostium boreale dicte ecclesie  
de Mamcestre jacentes inter dictum Bull oke et  
predictam placeam Radulphi de Staneley

Et octo acras terre et dimidium et tresdecim  
<sup>8</sup>particatas terre in Nethir Aldeporte jacentes infra  
has divisas videlicet incipiendo ad finem cujusdam  
sepis que incipit super ripam aque de Irwell versus  
<sup>9</sup>occidentem et sic sequendo <sup>9</sup>dictam sepem per fines  
cujusdam campi vocati les accres versus orientem  
usque in altam viam que ducit de Mamcestre usque  
Trafforde et sic sequendo dictam altam viam ver-  
<sup>10</sup>sus austrum ad latitudinem <sup>10</sup>unius particate terre  
et dimidii et exinde descendendo versus occidentem  
semper in eadem latitudine usque in oppositum  
cujusdam forere dicti campi vocati les accres que  
<sup>11</sup>abuttat versus austrum <sup>11</sup>et exinde angulando ver-  
sus austrum directe ad latitudinem dimidii particate  
terre et ab ipso angulo descendendo ex transverso  
versus occidentem usque dictam aquam de Irwell  
<sup>12</sup>ex opposito <sup>12</sup>finis borealis terre Edmundi de  
Prestewych jacensis ex parte occidentali ejusdem  
aque et sic ascendendo predictam aquam de Irwell  
usque in finem sepis predictae que erat prima  
bunda.

<sup>13</sup> Et unum <sup>13</sup>messuagium cum pertinenciis in  
Gorton cum terra adjacente continente undecim  
particatas terre et dimidium jacente in quodam  
loco vocato Gorton Grene inter tenuram Johannis  
<sup>14</sup>Bageley senioris ex <sup>14</sup>parte orientali et quendam  
portam qua itur a dicto Gorton Grene usque  
Redich ex parte australi

Ac unum aliud messuagium in Heton cum terra  
<sup>15</sup>adjacente continente undecim particatas <sup>15</sup>terre et  
dimidium jacente inter terram in tenura Willielmi  
Hanson de Heton ex parte occidentali australi et  
orientali et communem viam ibidem ex parte  
boreali.

Necnon advocacionem ecclesie <sup>16</sup>de Mamcestre <sup>16</sup>  
pro termino vite mee ex dimisione Thome Episcopi  
Dunelmensis Johannis Heneye Ricardi Lumbard  
nuper persone ecclesie de Holteham et Ricardi  
Ffryth reversione inde predictis Episcopo Johanni  
<sup>17</sup>Ricardo et Ricardo et heredibus suis spectante <sup>17</sup>

Noueritis me prefatum Thomam la Warre totum  
statum et possessionem quos habeo in predictis  
messuagiis terris et advocacione cum suis pertinen-  
ciis prefatis <sup>18</sup>Episcopo Johanni Ricardo et Ricardo <sup>18</sup>  
dimississe et sursum reddidisse et totum jus meum  
et clameum que habeo in eisdem prefatis Episcopo  
Johanni Ricardo et Ricardo remississe et relaxasse  
habenda sibi heredibus et <sup>19</sup>assignatis suis imper-<sup>19</sup>  
petuum.

In cujus rei testimonium huic presenti scripto  
sigillum meum apposui

Datum octavo die Novembris anno regni Regis  
Henrici sexti post conquestum primo



TRANSLATION.

To all the faithful of Christ who shall see or  
hear this writing Thomas la Warre, Lord la Warre,  
health in the Lord.

Whereas I hold five messuages and ten acres of  
land with appurtenances in Manchester, Gorton  
and Heton, as a parcel of the manor of Manches-  
ter, to wit,

One messuage with its appurtenances in Man-  
chester, along with one acre and thirty and four  
perches of land called Baronshull and Baronsyarde  
lying between these divisions [or boundaries], to wit,  
in beginning at the foot of a common lode [way]  
at the brink of a certain water named Irke near the  
burgage of Master John Wrightyngton, and thus  
in ascending by the beforesaid lode as far as a bur-  
gage of Robert the son of John of Holt, and thus  
by the same burgage in ascending by a burgage of  
Laurence de Hulme and by the common oven of  
the town of Manchester which John Chaloner of  
Manchester holds, and so by another burgage of  
the aforesaid Laurence, and by a new place late of  
Ralph Staneley, knight, as far as the Bulle oke and

so from the said Bulle oke in descending by the Hunt Hull, which Edmund Parker holds, as far as the middle of the aforesaid water of Yrke near a certain bridge named Irke Brygge, and thus in always ascending by the middle of the water aforesaid of Yrke as far as the foot of the aforesaid lode, which was the first boundary;

Ten perches of land extending themselves from the beforesaid Bull oke as far as the northern porch of the said church of Manchester lying between the said Bull oke and the beforesaid place of Ralph of Staneley;

And eight acres of land and a half and thirteen perches of land lying in Nether Aldeporte between these divisions, to wit: In beginning at the border of a certain hedge which commences upon the bank of the water of Irwell towards the west, and thus, in following the said hedge along the limits of a certain field, named les Accres, towards the east as far as into the highway which leads from Manchester to Trafforde, and, thus, in following the said highway towards the south about the breadth of a perch and a half of land, and, thence, in descending towards the west, always about the same breadth, as far as reaching opposite to a certain forere [headland] of the said field, called les accres, which abuts towards the south, and from thence in making an angle directly towards the south about the width of half a perch of land, and from that angle in descending athwart towards the west as far as the said water of Irwell over-against the northern boundary of the land of Edmund de Prestewych, lying on the western side of the same water, and, thus, in ascending the beforesaid water of Irwell as far as the end of the beforesaid hedge, which was the first boundary;—

And a message with appurtenances in Gorton, with the land adjacent containing eleven perches of land and a half lying in a certain place named Gorton Grene, between the tenure of John Bageley the elder on the eastern side, and a certain outlet which leads from the said Gorton Grene as far as Redich on the southern side:

And a certain other message in Heton with the land adjacent containing eleven perches of land and a half lying between the land in the tenure of William Hanson of Heton on the western, southern and east side, and the common way in the same place on the northern side:

Also the advowson of the church of Manchester for the term of my life according to the demise of Thomas Bishop of Durham, John Henege, Richard Lombard, late parson of the church of Holteham, and of Richard Ffryth, by reversion thenceforth in favour of the beforesaid Bishop, John, Richard and Richard and their heirs:

Know ye that I, the aforesaid Thomas la Warre, have demised and surrendered the whole estate and possession which I have in the beforesaid messuages of land and in the advowson with its appurtenances to the beforesaid Bishop, John, Richard and Richard, and that I have remitted and released all my right and claim which I have in the same to the beforesaid Bishop, John, Richard, and Richard, to hold to them, their heirs and assigns for ever.

In testimony of which I have placed my seal to the present.

Given in the eighth day of November in first the year of King Henry the sixth after the conquest.

§ 4. THE PRESENTATION AND INSTITUTION OF JOHN HUNTYNGDON, BACHELOR IN DECREES, TO THE OFFICE OF MASTER, OR WARDEN, OF THE COLLEGE OF MANCHESTER.

During this part of the proceedings, we are again introduced to John Huntynghdon, who has been described as rector of the parish church of Ashe-ton, the date of whose presentation to this living is unknown. In having been appointed by the prior and chapter of Coventry, procurator for the purpose of carrying on the process of foundation in Manchester, much scope had been given to his exertions in promoting the objects of his munificent patron Thomas, Lord la Warre, with whom he was evidently much allied in bonds of friendship. For this excellent churchman the proposed wardenship of the college of Manchester was destined. The letter of presentation, addressed to the bishop of Coventry and Lichfield, I owe to a kind friend, by whom it was copied from the archives of Lichfield Cathedral.

In this document, dated at Swineshead on the 23rd of November, 1422, and addressed to the bishop of Coventry and Lichfield, Thomas la Warre urges that the right of presenting the warden, the fellows, and choristers of the college, was secured to him by its constitution as the last rector, and, of late, the true canonical possessor of the church, who had legally demised the same. Being desirous, therefore, that the foundation should preserve a due relation towards the collegiated church, he presents Master John Huntynghdon, chaplain, bachelor in decrees, to the office of master, or warden of the college, supplicating for him a canonical institution conformably to the statutes, &c., of the college, and, upon the oath being administered, an induction into corporal possession, and that the oath, agreeably to the collegiate ordinances, &c., be recorded in the registry of the bishopric.

LETTER OF PRESENTATION FROM THOMAS LA WARRE, CLERK.

Reverendo in Christo patri ac domino domino Willielmo deo gracia Coventrensi et Lichfeldensi episcopo Thomas la Warre clericus omnimodo reverencia et honore debitis tanto viro Cum ex certis .....[*causis, vel forsan premissis*] piis et rationabilibus ac ad divini cultus augmentum sit ecclesia parochialis de Mamcestre vestre diocesis in ecclesiam collegiatam erecta et ibidem unum collegium de uno magistro sive custode capellano et octo sociis capellanis quatuor clericis et sex choristis Deo ibidem perpetuo servituri in dictis factum fundatum et stabilitum nonnullaque statuta et ordinationes justa et rationabilia fuerint et sint facta ex quibus fundacione statutis et ordinatione collegii jus presentandi predictum magistrum sive custodem capellanum ceterosque socios capellanos ac clericos et choristos predictos omnes et singulos juxta formam fundacionis ac statutorum et ordinationum predictorum michi Thome la Warre quo ad modo attribuitur datur et pertinet solum et in solidum pleno jure fuerit que dicta ecclesia per me nuper ultimum rectorem et canonicum possessorem ejusdem verum pre'n<sup>to</sup> [*pre notario*] consulta dimissa [*est*]

Volensque Thomas la Warre predictus dictam erectionem, fundacionem ac ordinationes et statuta prefati collegii debitum in omnibus...debere effectum ad ecclesiam collegiatam predictam et ad officium magistri sive custodis ejusdem dilectum michi in Christo magistrum Johannem Huntynghdon capellanum in decretis baccalaureum vestre paternitati reverende tenore presencium presento.

Attente supplicans et devote quatenus ipsius magistri Johannis Huntynghdon ad dictam ecclesiam collegiatam de Mamcestre ut prefertur erectam et fundatam et ad officium magistri sive custodis ejusdem juxta vim formam et effectum fundacionis ac ordinationis et statutorum collegii predicti admittere et canonice instituere in eodem ac recepto juramento ab ipso magistro Johanne de observando statuta et ordinationes collegii predicti in corporalem possessionem ejusdem inducere plenamque mencionem de juramento hujus modi in..... [*eisdem secundum*] institutionem ipsius magistri Johannis vestroque registerio fieri et conservi facere ceteraque peragere que in hac parte vestro incumbunt officio pastoralis dignetur vestre paternitati venerabili pro deo intuitu caritatis

In cujus rei testimonium presentibus sigillum meum apposui

Datum in manerio meo de Swynesheued vicesimo tertio die Novembris anno domini millesimo quadringentesimo vicesimo secundo

TRANSLATION.

To the reverend father and lord in Christ, the Lord William, by the grace of God Bishop of Coventry and Lichfield, Thomas la Warre, Clerk, with all the possible reverence and honour due to so great a man,

Whereas from certain pious and rational [*causes, or perhaps premisses*] and towards the augment of divine worship, the parochial church of Manchester of your diocese is erected into a collegiated church, and, in the same place, a college made, founded and established [consisting] of one master, or warden, (a chaplain), and eight fellows, (chaplains), four clerks and six choristers, there to serve God perpetually in the same: also certain just and reasonable statutes and ordinances have been and are made, from which foundation, statutes and ordinance of the college, the right of presenting the aforesaid master, or warden, (a chaplain), and other fellows, (chaplains), and clerks and choristers aforesaid all and singular, agreeably to the form of the foundation, and of the statutes and ordinances aforesaid, is assigned, given and belongs to me Thomas la Warre alone, and would have been wholly by a full right, only that the said church by a procedure before the notary was released by me, of late the last rector, and the true canonical possessor of the same.

And I, the aforesaid Thomas la Warre, being desirous that the said erection, foundation and ordinances and statutes of the said college should acknowledge a due effectiveness in all things towards the said collegiated church, and towards the office of the master or warden of the same, do, by the tenor of these presents, present Master John Huntynghdon, Chaplain, Bachelor in decrees to your reverend Fathership, attentively and devoutly supplicating, inasmuch as your venerable fathership may vouchsafe by reason of a regard in God of the high value of John Huntynghdon himself, to admit to the said collegiated church of Manchester (as is before declared) erected and founded, and to the office of master, or warden, of the same, according to the power, form, and effect of the foundation, and ordination, and statutes of the aforesaid college, and to canonically institute in the same, and, upon the oath being taken by the same master, John, concerning the observance of the statutes and the ordinances of the aforesaid college, to induct in corporal possession of the same, and to cause to be made and preserved in your registry a full mention of such an oath [*in the same, according to*] the institution of Master John himself, and to perfect other things, which, in this behalf, are incumbent upon your pastoral duty.



In testimony of which I have appended my seal to these presents. Dated in my manor of Swyneshued on the twenty third day of November in the fourteen hundredth and twenty second year of the Lord.

The entry of John Huntynghdon's presentation to the wardenship of the Manchester college is recorded in the subjoined manner, in an extract made by the Holmeses from the Lichfield cartulary:

p. 167. b. Lib viij 1430. fol 11j  
Presentatio ad Custodiam Collegii de Manchester in collegium de novo erect.

Thomas la Warre 23<sup>o</sup> Novembris 1422  
Willielmus Coventrensis et Lichfeldensis  
Episcopus

The institution of John Huntynghdon to the wardenship is dated two days afterwards:

Fol 112  
Institutio dicti Collegii ad officium magistri sive Custodis de Manchester  
Dilecti in Xto Johannis Huntynghdon (as in MS.) in Decretis Baccalaurei.

§ 5. THE DEED BY WHICH THOMAS LA WARRE'S PROFFEES, THE BISHOP OF DURHAM AND OTHERS, CONFIRM TO JOHN HUNTYNGDON, WARDEN, AND TO THE FELLOWS OF THE COLLEGE OF MANCHESTER, CERTAIN LANDS IN MANCHESTER, ALPORT, GORTON AND HETON, AND THE ADVOWSON OF THE CHURCH OF MANCHESTER, FOR THE PERPETUAL USE OF THE SAID COLLEGE.—DATED 14TH OF DECEMBER, 1422.

<sup>1</sup> <sup>1</sup> Omnibus Christi fidelibus hoc scriptum visuris vel auditoris Thomas Episcopus Dunelmensis Johannes Henege Ricardus Lumbard nuper persona ecclesie de Holtham et Ricardus Ffryth

<sup>2</sup> salutem in domino sempiternam Cum ecclesia de <sup>3</sup> Mamcestre in comitatu Lancastrie in ecclesiam collegiatam licencia regia super hoc optenta sit erecta et de et in eadem ecclesia quoddam <sup>3</sup> collegium de uno magistro siue custode capellano et de octo suis sociis capellanis et aliis ministris comitantibus fundatum et stabilitum existat

Noueritis nos predictos Episcopum Johannem <sup>4</sup> Ricardum et Ricardum pretextu et virtute licencie regie predicte dedisse concessisse et hac presenti carta nostra confirmasse Johanni Huntynghdon Capellano magistro siue custodi collegii predicti <sup>5</sup> et sociis suis capellanis ejusdem collegii quinque messugia et decem acras terre cum pertinenciis in Mamcestre Gorton et Heton que sunt parcella manerii de Mamcestre videlicet

Unum <sup>6</sup> messuagium cum pertinenciis in Mamcestre cum una acra et

[Here follows a rehearsal, in about thirteen lines of manuscript, of all the lands and messuages, in the same words as appear in pages 170 and 171.]

Necnon advocacionem dicte ecclesie de Mamcestre habendam et tenendam eisdem <sup>20</sup> magistro <sup>20</sup> siue custodi et sociis suis capellanis ejusdem collegii et successoribus suis de domino nostro rege et heredibus suis ut de dicto comitatu suo palatino Lancastrie per servicia <sup>21</sup> inde debita et consueta in <sup>21</sup> subvencionem sustentacionis sue ac aliorum ministrorum dicti collegii imperpetuum

In cujus rei testimonium huic presenti scripto sigilla nostra apposuimus

Hiis testibus Johanne de <sup>22</sup> Pilkington et Jo<sup>22</sup> hanne le Buron Ricardo de Langford Edmundo de Trafford Johanne de Radclyffe de Ordessale Jacobo Strangways Radulpho de Prestwich et aliis

Datum quarto decimo <sup>23</sup> die Decembris anno <sup>23</sup> regni metuendissimi domini nostri regis Henrici sexti post conquestum primo



Four seals are appended, the second of which is destroyed, but it is presumed to have been similar to the lesser seal figured in page 176.

TRANSLATION.

To all the faithful of Christ who shall see or hear this writing, Thomas Bishop of Durham, John Henege, Richard Lumbard late parson of the church of Holtham, and Richard Ffryth, sempiternal health in the Lord:

Whereas the church of Manchester in the county of Lancaster, by a royal license obtained for this purpose, has been erected into a collegiated church, and belonging to and in the same church a certain college exists founded and established, [consisting] of one master or warden, a chaplain, and of his eight fellows, chaplains, and of other accompanying ministers,

Know ye, that we the aforesaid Bishop, John, Richard and Richard, by pretext and virtue of a royal license aforesaid, have given, granted, and by this our present charter have confirmed to John Huntynghdon, Chaplain, the master or warden of the beforesaid college, and to his fellows, chaplains of the same college, five messuages and ten acres of land with appurtenances in Manchester, Gorton and Heton, which are parcells of the manor of Manchester, to wit,

One messuage \* \* \*

[Here follows a rehearsal of all the lands and messuages, as given in the translation of pages 171 and 172.]

Also the advowson of the said church of Manchester to have and to hold to the same master, or warden, and his fellows, the chaplains of the same college, and his successors, from the lord our king and his heirs as of the said his county palatine of Lancaster, by services thence due and accustomed in aid of his [the warden's] support and of the other ministers of the said college for ever.

In testimony of which we have appended our seals to the present writing

These witnesses [being present] John of Pilkington, and John le Buron, Richard de Langford, Edmund de Trafford, John of Radclyffe of Ordesale, James Strangways, Ralph of Prestwich, and others.

Dated in the fourteenth day of December in the first year of the most redoubtable lord, our King, Henry, the sixth after the conquest.

REMARKS ON THE FOREGOING DOCUMENT.

The foregoing is a document regarding which some remarks may be made, touching the absolute manner in which the co-trustees under the infestment of Thomas la Warre, assign over the advowson of the parish church of Manchester, to have and to hold to the warden of the college, and his fellows, the chaplains, and their successors,

from the lord the king, and from his heirs, as from the county palatine of Lancaster, by services thence due and accustomed, in aid of the support of the warden and of the other ministers of the said college, for ever.

From this clause we naturally infer, that when Thomas, Lord la Warre, presented John Huntynghdon to the wardenship, this presentation was the last which he intended to have been exercised by the ancient patrons of the parochial church of Manchester. With this object in view, the advowson would be alienated for ever from his successors, in support of the college of Manchester.

The same clause also shews that an appropriation,—such as the lawyers describe as a perfect one,—was meditated. The definition given of an appropriation is as follows:—

"Appropriation is the annexing of a benefice to the proper and perpetual use of some religious house, bishopric, college, or spiritual person to enjoy for ever, and when appropriation is made, the patron is perpetual parson, and hath perpetual institution and induction, for the appropriation alone is a sufficient admission.—

"If after an appropriation a clerk is presented to the bishop, and instituted and inducted, the benefice returns to its proper nature, and the appropriation is dissolved.

"If a feme endowed of an advowson appropriate presents to it, the appropriation is dissolved.

"If a man recovers the advowson in writ of right, this disappropriates the church, and dissolution of the spiritual corporation disappropriates an appropriation."

[From Plowden, as quoted by Jacob in ed. of 1744.]

I have pointed out this view of lawyers for no other reason, than to prepare the reader for the fact, which will be elucidated in the second book of this supplemental history, that the West family, the successors of Thomas, Lord la Warre, actually exercised the right of presenting to the wardenship of the Manchester college, so late as the reformation, and that when a renewed charter of Philip and Mary refounded the college, the right of presentation was transferred to the crown.

The cause of this resumption of the privilege of presenting, which, according to the maxim of the law, "disappropriates an appropriation," is not to be explained by any historical document to which I have hitherto had access. As no copy of the internal regulations of the college of this date has yet been discovered, we have no light thrown from such a source upon so conflicting an anomaly. Neither are we warranted in saying, that the presentation of the warden was in virtue of some later privilege obtained from the crown. A great

laxity of ecclesiastical discipline had long prevailed in the church, and to this cause, more perhaps than to any other, an illegal enjoyment of the advowson might have been attributable.

Yet it is evident, that although a limited degree of patronage, confined to the presentation of the warden alone, might have been regained, the power of inflicting upon the parish its former evils was corrected for ever. A compact collegiate body would be too methodical and unmanageable to be easily diverted from parochial duties at the beck of some worldly-minded patron, who, amidst the general ignorance of the laity, might stand in need of learned clerks to administer to the secular concerns of his castle, or estates. It is perhaps for some such reason as this, that in the collegiate of parish churches of a date later than that of the Manchester foundation, as in the instance of Middleham in Yorkshire, a right of presentation was still allowed to the lay patron,—but in such a case the appropriation must have been evidently incomplete.

These are all the remarks suggested on the present occasion. Further discoveries of ancient documents may still shew in what manner the appropriation made by Thomas, Lord la Warre, had actually degenerated, during the manorial sway of the Wests, from a complete to an incomplete state.

§ 6. THE LETTER OF ATTORNEY ADDRESSED BY THOMAS LA WARRE'S PROFFRES, AUTHORIZING RALPH BULKELEY AND LAWRENCE HULME TO SURRENDER CERTAIN LANDS AND THE ADVOWSON TO JOHN HUNTYNGDON, WARDEN, AND THE FELLOWS OF THE COLLEGE.—DATED 14TH OF DECEMBER, 1422.

- <sup>1</sup> Pateat universes per presentes quod nos Thomas Episcopus Dunelmensis Johannes Henege Ricardus Lumbard nuper persona ecclesie de Holtham et Ricardus Ffryth attornamentum constituimus et loco nostro <sup>2</sup>posuimus dilectos nobis in Christo Radulphum Bulkeley et Laurencium Hulme Attornatos nostros ad deliberandum nomine nostro Johanni Huntyngdon capellano magistro sive custodi collegii beate <sup>3</sup>marie de Mamcestre et sociis suis capellanis ejusdem collegii plenam seisinam de et in

Uno messuagio cum pertinentiis in Mamcestre cum una acra et \* \* \* \*

[Here follows a rehearsal of the lands, as given in pages 171 and 172.]

- <sup>18</sup> Necnon advocacione <sup>19</sup>dicte ecclesie de Mamcestre juxta tenorem cujusdam carte nostre eisdem

magistro et sociis inde confectum ratum habiturum et stabilitum quicquid iidem attornatus nostri fecerint in premissis

In cujus rei testimo<sup>19</sup>nium presentibus sigilla<sup>19</sup> nostra apposuimus

Datum quartodecimo die Decembris anno regni metuendissimi domini nostri regis Henrici sexti post conquestum primo

TRANSLATION.

Be it known to all men by these presents that we Thomas the Bishop of Durham, John Henege, Richard Lumbard, late parson of the church of Holtham, and Richard Ffryth, have constituted an attornement, and in our place have appointed the beloved to us in Christ Ralph Bulkeley and Lawrence Hulme our attornies to deliver in our name to John Huntyngdon, chaplain, master or warden of the College of the blessed Mary of Mamcestre and to his fellows chaplains of the same college the full seizure of and in a certain messuage with its appurtenances in Manchester, along with one acre and thirty and four perches of land \* \* \*

[Here follows a rehearsal of the lands, &c., demised, in the words of the preceding document, pages 171 and 172.]

Also [of and in] the advowson of the said church of Manchester according to the tenor of a certain deed of ours to the same master and fellows thereupon made, to hold valid and established whatever the same our attornies shall do in the premises.

In testimony of which we have affixed our seals to these presents

Dated in the fourteenth day of December in the first year of the reign of our most redoubtable Lord, the King Henry, the sixth after the conquest.



Two other seals are added, being the same as the two lesser ones of page 174.

§ 7. A SECOND DEED OF CONFIRMATION, BY DAVID PRYCE, ARCHDEACON OF CHESTER, OF THE CHARTER OF FOUNDATION, WITH AN APPROVAL OF WHAT HIS PREDECESSOR, HENRY HALSHALL, HAD DONE.—DATED 25TH OF JUNE, 1423.

This confirmation by David Pryce, archdeacon of Chester, is a second one [see page 168], the reason of which is unexplained. The document is a specimen of the very worst iterative, and circum-bendibus style of lawyers. Its drift is to hint, that in the collegiate of the parish church of Manchester, many good things were likely to accrue to the archidiaconal interest of Chester, in lieu of the damage which might be sustained by the erection of a college:—that, in consenting to the same, an annual pension of twenty shillings became obligatory as an indemnity in full for any loss of jurisdiction and interest in the archdeaconry;—that the jurisdiction and the power in wills would require to be reserved, as well as the administration of goods in the case of such intestate persons as should die within the precincts of the proposed college.

<sup>1</sup> <sup>1</sup> Universis et singulis pateat per presentes quod cum nuper venerabilis vir magister Henricus Halshall Archidiaconus Cestrie dum vixit ad interres-sendum et comparandum <sup>2</sup> in ereccione ecclesie pro tunc parochialis de Mamcestre in ecclesiam collegiatam per reverendum in Christo patrem et dominum dominum Willielmum Dei gracia Couentrensem et Lichfeldensem episcopum auctoritate <sup>3</sup> ipsius reverendi patris ordinaria facta propter interesse ipsius magistri et juris sui Archidiaconalis indemnitatem legitime euocatus sufficienter comparuisset. suosque <sup>4</sup> assensum et consensum hujusmodi ereccioni ac ceteris in ea parte circa ereccionem ipsam habitis et gestis pro se et successoribus suis Archidiaconis Cestrie predictis prebuisset et <sup>5</sup> subsequenter fidem et testimonium super consensu et assensu hujus per suas literas et sigillum morte paulo post preventus facere aut perhibere non potuisset

<sup>6</sup> Nos <sup>6</sup> David Pryce Archidiaconus Cestrie in ecclesia Lichfeldensi infra cujus Archidiaconatus ambitum dicta ecclesia de Mamcestre notorie consistit prefato magistro Henrico Halshall <sup>7</sup> in dicto Archidiaconatu Cestrie immediata succedentes premissa considerantes ac perpendentes ereccionem ipsam de qua premittitur in augmentationem tendere divini cultus <sup>8</sup> multaue bona alia ex ipsa ereccione evenire nobis coram et successoribus nostris Archidiaconis Cestrie futuris pro dampnis que circa jura nostra Archidiaconalia occasione dicte

<sup>9</sup> ereccionis sustiniremus et sustinirentur sufficienter per prefatum reuerendum patrem in dicte ereccionis actu provisa et compensata omnia et singula per prefatum <sup>10</sup> venerabilem virum magistrum Henricum Archidiaconum memoratum predeces-sorem nostrum cura ereccionis predictum habita acta et gesta approbamus, gratificamus, ratificamus <sup>11</sup> et confirmamus pro nobis et successoribus nostris Archidiaconis Cestrie quibuscunque futuris Et ex habundanti ereccionem predictam pro nobis et successoribus nostris <sup>12</sup> predictis admittimus et ac-ceptamus et ad validacionem et corroboracionem perpetuas ejusdem et omnium actorum circa eandem eidem et eisdem pro nobis et successoribus <sup>13</sup> nostris predictis nostros consensum et assensum denuo adhibemus et eisdem consentimus per pre-sentes prefatis ereccioni ac decreto ceterisque gestis per predictum reuerendum patrem <sup>14</sup> domi-num Episcopum Couentrensem et Lichfeldensem antedictum in hac parte affixas.

Salva semper nobis et successoribus nostris Archidiaconis Cestrie pensione annua viginti solidorum <sup>15</sup> superius in decreto per dominum reue-rendum patrem limitata et assignata quam pro nobis et successoribus nostris Archidiaconis Cestrie futuris nostrisque ministris quibuscunque <sup>16</sup> ac <sup>16</sup> archidiaconatu nostro predicto in recompensa-cionem omnimodis juris jurisdictionis et interesse Archidiaconatui nobis seu successoribus nostris Archidiaconis Cestrie nostrisque <sup>17</sup> ministris ut <sup>17</sup> premittitur quibuscunque in dicta ecclesia collegiata seu personis ejusdem qualitercunque competen-cium admittimus et acceptamus et eidem pensioni <sup>18</sup> nomine indemnitatis in recompensationem juris <sup>18</sup> jurisdictionis et interesse quoruncunque Archi-diaconalium ut premittitur per nos et successores nostros Archidiaconos Cestrie <sup>19</sup> nostrosque minis-tros ut premittitur quoscunque percipiende con-sentimus per presentes

Jurisdiccione quoque et potestate in testamentis et in administracionibus bonorum <sup>20</sup> ab intestatis in <sup>20</sup> dicto collegio decedencium quoruncunque et cura ea exercendi nobis et successoribus Archidiaconis Cestrie in omnibus semper saluis pariter reseruatis

In cujus rei testimonium sigillum meum presen-tibus est appensum.

Datum in Ecclesia Lychfeldensi vicesimo quinto die Junii anno millesimo quadringentesimo vicesi-mo tercio.

# TRANSLATION.

To all and singular be it known by [these] presents that whereas lately the venerable man Master Henry Halshall, Archdeacon of Chester,

while he lived, having been lawfully summoned, had sufficiently appeared to take part in and be present, in the erection of a church, at that time parochial of Manchester, into a collegiate church, by the reverend father and lord in Christ, the Lord William, by the grace of God, Bishop of Coventry and Lichfield, with the ordinary authority of the reverend father himself used on account of the indemnity of the interest of the master himself and of his archidiaconal right—and had yielded his assent and consent to such an erection and to other things in this behalf obtained and carried on for himself and for his successors the Archdeacons of Chester aforesaid, touching this erection,—and had subsequently not been enabled to fulfil or to affirm [his] faith and testimony upon his consent and assent by his letters and seal, having a little while afterwards been prevented by death,

We David Pryce, Archdeacon of Chester in the church of Lichfield, within the compass of whose archdeaconry the said church of Manchester is notoriously situate, immediately succeeding to the aforesaid Master Henry Halshall in the said archdeaconry of Chester, in considering the premises and in well weighing this erection, regarding which it is premised that it meditates an augmentation of divine worship, and that from this same erection many other good things result in respect of us and of our successors, the future archdeacons of Chester, in lieu of the injuries which, as regards our Archidiaconal rights, we should sustain and would be sustained by occasion of the said erection, [these] having been sufficiently provided for and compensated by the before said reverend father while engaged in the said erection,—[we] do approve, hold acceptable, ratify and confirm for us and our successors, the future Archdeacons of Chester, whomsoever they may be, all and singular the things managed, performed and carried on by the aforesaid venerable man, Master Henry, Archdeacon, our memorable predecessor in the care of the erection aforesaid.

And moreover, for us and for our aforesaid successors we admit and accept the aforesaid erection,—and, for ourselves and our successors aforesaid, towards the perpetual validation and corroboration of the same and all the acts concerning the same, we lastly attach our consent and assent to the same act and acts, and we consent by the presents affixed in this behalf to the same aforesaid erection and decree, and to other things carried on by the aforesaid reverend father the Lord Bishop of Lichfield and Coventry aforesaid.

Save always to us and to our successors the Archdeacons of Chester an annual pension of

twenty shillings, over and above limited and assigned in a decree by the Lord the reverend father, which we admit and accept for us and for our successors the future Archdeacons of Chester and our ministers whomsoever they may be, and for our Archdeaconry aforesaid, in recompense altogether of the right, jurisdiction and interest competent to the Archdeaconry, to us or to our successors the Archdeacons of Chester, and to our ministers, as is premised, whomsoever they may be in the said collegiate church, or to the parsons of the same, whomsoever they may be:—and to the same pension, under the name of an indemnity, in recompense of the archidiaconal right, jurisdiction and interest, whatsoever they may be, as is premised, to be possessed by us and our successors, the Archdeacons of Chester, and by our ministers, as is premised, whomsoever they may be, we consent by these presents:

Save also always in all things the jurisdiction and the power in wills and in the administration of goods lapsing from intestate persons in the said college, whatsoever they may be, and the care of administering those things, [such] being in like manner reserved to us and our successors, the Archdeacons of Chester.

In testimony of which my seal to these presents has been appended.

Dated in the church of Lichfield on the 25th day of June, 1423.



From a drawing by the late Miss Hibbert-Ware.

Sigillum Magistri Davidis Pryce Archidiaconi Cestrie.

## CHAPTER XIV.

WAS THE PAPAL CONSENT, OR CONFIRMATION, EVER OBTAINED FOR THE COLLEGIATING OF THE PARISH CHURCH OF MANCHESTER?

No document calculated to throw any material light upon this question has hitherto been discovered.

If any papal consent, or confirmation, did exist in the muniment chest of the chapter house of Manchester, expressive of the approbation of the holy see to the collegiating of the church of the parish, it would inevitably have been destroyed during the puritanic fervour which so long swayed the councils of the capitular body. In every document which I have yet examined, the very name of pope has been erased from the scroll on which it might have appeared.

It has been often argued, that the confirmation of the holy see to any appropriation would be judged necessary.—Of this, however, there may be some doubt. The commencement of the fifteenth century was a period when the papal influence was fast declining, and when all questions appertaining to the temporalities of the church, and, in an especial manner, to benefices and the rights of patrons, were regarded by the laity with extreme jealousy. No doubt if the papal sanction had been deemed absolutely essential, regarding which the foundation charter of Manchester gives no information, it would have been obtained through the representation and influence of Cardinal Langley. But in all the documents which I have examined, I can find no allusion made to the pope farther than to the date of his pontificate,—a custom which was observed in most ecclesiastical charters. There is a Richard Hadelsey, clerk of York, who states that by the authority of the pope he was public notary to the premises all and singular.—[See page 159.] This was also a common form in use, which might or might not be in allusion to any papal bull actually issued in approbation or confirmation of the collegiating process;—or it might be simply expressive of the fact, that nothing had been done hostile to the general interests of the holy see.

It must be recollected also, that the patrons of benefices, on the score of their rights having been invaded by papal provisions, were, during three centuries, the most irreconcilable enemies to the influence in England of the Roman see. Hence, when the collegiating of the parish church of Manchester was suggested to the mind of Thomas, Lord la Warre, by the corrupt practices of his ancestors, patrons of the benefice, we can readily understand why the measure should have met with no opposition from the pope, and why the bishop

of Durham, a cardinal, should have so actively bestirred himself in the anti-patronal measure. And, if a direct assent had been withheld by the sovereign pontiff, which was perhaps the case, it might have owed its cause to a feeling of delicacy originating from the reflection, that if a public bull had been issued, it would have been attributed less to spiritual than to worldly motives of resentment.

The Lollards, in the meantime, were not slow in explaining, in what manner such a mutual spirit of recrimination could be rendered serviceable to the gradual progress of the Reformation. If the discipline of the English church had suffered from Italian beneficiaries residing abroad, it had suffered in an equal degree from the corrupt practices of patrons themselves, who dispensed the temporalities of benefices to learned clerks, with no other object than that their education might render them qualified to act as stewards of their estates. And thus the Greslets and La Warres, with the view of “having their offices done for nought,” sacrificed to the base, sordid views of Mammon the cure of souls and the services of the holy altar, and, with them, the spiritual and eternal interests of the neglected parishioners of Manchester.

## CHAPTER XV.

THE DEMISE OF THOMAS, LORD LA WARRE.

Thomas, Lord la Warre, did not long outlive the act of collegiating the parish church of Manchester. Although a clerk in orders, he had numerous writs of summons to parliament, which dated from the 22nd of Richard the Second to the 6th of Henry the Sixth. Yet it would appear that he died in the 5th year of Henry the Sixth. He was interred in the abbey of Swineshead.

In his estates and titles he was succeeded by Sir Reginald West, to the displacement of the true heir, Sir Nicholas Griffin, of Braybroke.

Thomas, Lord la Warre, died seized of the manor of Wickwar and of the advowson of the church, and of St. Bartholomew's hospital, in Bristol, as belonging to the manor of Wickwar.—Other estates, some of them very extensive ones, were in Lincolnshire, Sussex, Northamptonshire, Gloucestershire, and Wilts.

The extent of the manor of Manchester is recorded as follows:—

5th Henry vi: Thomas la Ware  
 Manchestr Maner extent' ampl'  
 Ambeton advoc' ecclie  
 Sharples hameletta et terr' ibidem voc' le Fouldes cont'  
 4000 acr'

1000 acr' ten' ib'm vocat' Hordern solyns  
 Heton cum Halewale 1000 acr' terr' vocat' Egburden in  
 villa de  
 Keuerdeley maner' ut de manerio de Halton  
 Heton Norris terr' &c.  
 Greseloweth tria messuagia cum terris ibidem expresse  
 per metas  
 Maunchestr' terr' ibidem voc' Jonesfeld de Halton et  
 Ingelfeld expresse p. metas ———  
 Mancestr' ten' ibidem vocat' Overdraughtgate p. metas  
 ——— Netherdraughtgate p. metas  
 Moston hameletta mess' et ten' &c. ibidem vocat'  
 Bridesdaghe juxta Boukerleghe expresse per metas  
 Manchester 800 acr' terr' in ham' de Curmesale per  
 metas  
 Ashton subtile Limam maner' extente'.

The foregoing extent of the barony of Manchester, taken from the parliamentary records, conveys to us some notion of its insignificance at the time of Thomas, Lord la Warre's demise, when compared with the immense tract of territory inherited by his predecessors, the Greslets, soon after the Conquest, in the hundreds of Salford and Leyland, or in Widness. With the expensive continental and Scottish campaigns, carried on during many years, which led to numerous sub-infeudments, the ancient feudal splendour of Manchester had been dimmed for ever.

It is likewise to be noticed that in this extent of the manor, there is no mention made of any advowson of which Thomas, Lord la Warre, might have been seized, except that of Ashton, whence we must infer, that the patronage of the parish church of Manchester was regarded as having undergone an alienation from the successors of the defunct lord of Manchester, by being appropriated to the absolute use of the perpetual parsons of the newly erected college.

With this change which took place in the constitution of the parochial church of Manchester,

the first portion of the task which I have proposed to myself is completed.

In commencing with the first and great endowment which the church possessed by an unknown Anglo-Saxon thane and patron, I have ended with the active preparation going on for establishing a new ecclesiastical institution within the town and neighbourhood of Manchester, by the collating of the parish church, the motives for which we have found to particularly attach themselves to the era of Wycliffe,—an era of extraordinary mental activity and advancement.

Near the close of the present part of our history we have observed, that the reflective classes, in emerging from medieval darkness, began to be restless under the social evils beneath which they had suffered, arising from the egoistic and tyrannic exercise of feudal power, which Holy Church, in Her existing position, was not competent to restrain. The lord of Manchester, while he hesitated to follow Wycliffe in the innovations of doctrine which he sought to introduce, was quite alive to the lax state of ecclesiastical discipline then prevailing, one great cause of which,—a cause too much overlooked by historians,—had, perhaps, less identified itself with the inroads made by the papal see upon the rights of patrons, by means of provisors, than with abuses emanating from patrons themselves. Thomas la Warre, therefore, in seeking to transfer the right of advowson, and, with it, the appropriation of endowments from the baronial patronage of his heirs and successors to a capitular body, only aimed to develop the solemn truth, that the best institution in church and state was that which was best calculated to conduct society to the high destiny revealed in Christ's sacred gospel and prophecy,—WHEN THE WILL OF THE FATHER SHOULD BE DONE UPON EARTH, EVEN AS IT IS DONE IN HEAVEN.

# R E M A R K S

ON THE

## HISTORY OF THE ANCIENT PARISH CHURCH

OF

### MANCHESTER,

WITH ADDITIONS.

---

It will, I trust, be sufficiently evident from the foregoing narrative, that **THE HISTORY OF THE ANCIENT PARISH CHURCH OF MANCHESTER, AND WHY IT WAS COLLEGIATED**, necessarily comprehends,

First, A history of the barons of Manchester, who were the early patrons of the church;

Secondly, The municipal annals of the town, and the causes favouring its wealth and population;

Thirdly, An account of the deans rural, rectors, and chaplains of Manchester;—and,

Fourthly, the process by which the parish church was collegiated.—Upon each of these divisions a few remarks will be made, in the course of which I shall not only have occasion to gratefully acknowledge the aid which has been rendered me while drawing up this history, but also to correct any errors, or supply any omissions which I may have subsequently detected.

### CHAPTER I.

#### REMARKS ON THE BARONIAL HISTORY OF MANCHESTER.

The sources of information are the various notices of the ancient barony of Manchester interspersed through the numerous volumes of the parliamentary records, some of which have been faithfully given in Gregson's valuable collections of Lancashire, with additions from divers inedited documents. Other important details have been furnished by Keurden, which Mr. Baines, in his Lancashire history, has copied from the manuscripts of this antiquary in the possession of the Chetham Library, of Manchester. Another, and rich source

of information, is to be found in the records possessed by Sir Oswald Mosley, of Rolleston Hall, Staffordshire, the late lord of the manor of Manchester, to which I have not had access, but, in the meantime, have availed myself of the highly interesting abstract of them drawn up by the intelligent baronet himself for "Corry's History of Lancashire."—[See vol. ii. of this work, p. 448, &c.]

The baronial history of Manchester is, in fact, a desideratum, few attempts having been made towards it, with the exception of a slight memoir by the late Mr. Whatton, published in the transactions of the Manchester Literary and Philosophical Society, which is both deficient and inaccurate.

The following tabular view of the more ancient barons of Manchester, including the dates in which they severally came to the possession of the barony, and the pages of this work wherein their annals are to be found, may be acceptable.

#### THE ANCIENT BARONS OF MANCHESTER.

| ABOUT    |  |              | PAGE |
|----------|--|--------------|------|
| 1100 (?) | ... Albert Grealet .....                     | 1st Baron... | 9    |
| (?)      | ... Robert .....                             | 2nd " ..     | 14   |
| 1135     | ... Albert [Senex] .....                     | 3rd " ..     | 15   |
| 1166 (?) | ... Albert [Juvenis] .....                   | 4th " ..     | 21   |
| 1185 (?) | ... Robert Grealet .....                     | 5th " ..     | 22   |
| 1231     | ... Thomas .....                             | 6th " ..     | 51   |
| 1261     | ... Robert .....                             | 7th " ..     | 61   |
| 1282 (?) | ... Thomas .....                             | 8th " ..     | 65   |
| 1307 (?) | ... John la Warre .....                      | 9th " ..     | 85   |
| 1310     | ... Alienation to the }<br>Abbey of Dure }   |              | 86   |
| 1326     | ... John la Warre re- }<br>sumes the manor } | 9th " ..     | 95   |
| 1349     | ... Roger la Warre ...                       | 10th " ..    | 101  |
| 1366     | ... John .....                               | 11th " ..    | 111  |
| 1398     | ... Thomas .....                             | 12th " ..    | 122  |

In the foregoing list, the dates are intended to express the periods of accession to the barony; but,



among the earlier barons, genealogical statements differ greatly. For instance, with respect to ALBERT GRESLET [JUVENIS], THE FOURTH BARON, whose demise I have placed at 1182, Norfolk historians assert that it occurred in the 32nd of Henry the Second (1185-6), and that he had married, not for a first, but for a second wife, a daughter of Thomas Basset, sister of Gilbert, lord of Burcestre, by whom he left a son and heir, &c. &c.

But although I have been enabled to correct numerous mistakes of genealogists, much subject of contention still remains in the annals of the earlier barons of Manchester.

After these general remarks, I shall make a few corrections and additions which have occurred to me, either too late for the body of the work, or which might be more advantageously introduced in an appendix.

§ 1. ADDITIONS, ETC., TO THE ANNALS OF ROBERT GRESLET, THE FIFTH BARON.—[SEE PAGE 22-51.]

As Robert Greslet, in his resistance to King John, is the only baron among the Greslets who may be said to possess an historical character, the following addition to his annals may not be unacceptable.

Early in the year 1201, King John, during his progress with his young queen, and third wife [Isabel, sister and heir of the earl of Anjouleme], to the borders of Scotland, held many courts, where great numbers who had trespassed against the revived and arbitrary forest laws, were rigorously fined.

It would appear that the knights, thanes and free tenants of the Honour of Lancaster, had given to the king a sum of two hundred pounds in order to purchase an exemption from the severities of the forest laws, paying also a considerable sum in arrears of their several fines during the farming of forest lands.—[Rotuli de oblatiis, p. 33, also Rotuli Cancellarii, &c. tertio anno regni regis Johannis.]—There is likewise extant a curious deed of the date of the 1st of John, 6th October, in which the king confirms to all the knights, thanes and free tenants abiding in the forest of the Honour of Lancaster, the liberty of assarting their woods [or of plucking up the trees by the roots], and of selling or gifting the same, as well as of converting forest into grazing lands without the interference of bailiffs, agreeably to their several infestments, and of hunting with dogs all hares, foxes, and other beasts, besides vert, or venison, wild boars “at laie,” and roebucks. To this deed the name of Robert Greslet was appended as one of the nu-

merous witnesses. It is probable from this circumstance that he had enjoyed his own forest lands by prescription, and undisturbed.

Soon afterwards John summoned his barons and military tenants to attend him beyond sea, in order to quell an insurrection at Mans, in his Norman dominions. As the nobles, on account of the injustice of the forest laws, refused to accompany him over, as well as to pay the forfeit of their contumacy by a surrender of their castles, the personal attendance of the barons was commuted for a sum of money, amounting to two marks for every knight's fee; which contribution is said to have been more acceptable to John, than the convening of his restless and discontented nobles. Owing to Robert Greslet's rebellious conduct, his wife, the daughter of William de Longchamp, and his children were detained while dwelling in Normandy, but on the 5th of December (1203-4), Richard de Wileh, by a royal mandate given at Barbefflet, was ordered to secure them a safe conduct to England. [Rotuli Literarum patentium, vol. i, p. 37.] Robert Greslet likewise paid twenty-four marks for twelve knights' fees which he held in Lancashire.

In the 9th of John (1208), Robert Greslet was supplicated to give his aid in the fortifying of the castle of Lancaster with a ditch.—[Rot. Lit. Patent., vol. i, part 1.] He was likewise ordered to take his part in the castle ward of Lancaster.—[Rot. Lit. Claus., p. 606.] As he had then regained favour with his sovereign, he was excused the payment of thirty marks, which he had owed the treasury, as an amercement for the marriage of his sister.—[Rot. Lit. Claus., p. 108.]

The ensuing years of King John's reign formed a turbulent era in the history of church and state. The nomination and election of bishops afforded a continual source of strife. The privilege to name, to elect, or to confirm, was alike claimed by the king, by chapters, by the monks, and by the pope. But it was the papal power which eventually prevailed. When Pope Innocent the Third found that his nomination of Stephen Langton to the see of Canterbury was opposed, he laid the whole kingdom under an interdict. The king resisted the ban, by causing the bishops, who ventured to publish the bull, to seek refuge abroad. The monarch himself was next threatened with a personal excommunication; and, in order to avert the threats of France, and the discontents of his own churchmen and subjects, as well as to bind the pope more firmly to his interests, was induced to make the kingdoms of England and Ireland tributary to the see of Rome. Against this proceeding, as well as against divers civil encroachments of the crown, the great barons revolted.

Among the nobility, who, in their strife with a vacillating monarch, wrung from him the great palladium of English liberty, it is gratifying to find that the baron of Manchester was to be enumerated.

The demise of Robert Greslet [see page 47] took place in 1230. In the Coucher Book of Whalley Abbey [vol. i, pp. 40 and 50], under the able editorship of W. A. Hulton, Esq., it would appear that Robert Greslet left behind him two sons, a son and heir THOMAS, and a second son, not before noticed by genealogists, of the name of ALAN.

In the *Excerpta à Rotulis Finium* [vol. i, p. 208], we find an order from the king, dated the 20th December, in the 15th of Henry the Third, at Carlisle, commanding that the lands of Robert Greslet should be taken into custody, and that nothing should be removed without the royal permission. And, in another order, it was directed that full seizure should be given to Thomas Greslet, the heir, for the lands and tenements for which the king had received the homage of Robert Greslet, and to determine how much land he held from the king, or whether he held it from the king in chief, or from the crown.

There has been some difference of opinion relative to the precise relation which the Gresleys of Drakelawe, in Derbyshire, bear to the main branch of the Greslets, barons of Manchester, into which question I shall decline entering. I may remark, that, in the 9th of John, mention is made of a "Nigelle de Greselle," and of "Drakelawe." And in the 34th and 35th of Henry the Third, there is an allusion to the heirs of "Alicia de Gresley."

§ 2. ADDITIONS TO THE ACCOUNT OF THOMAS GRESLET, THE SIXTH BARON OF MANCHESTER.—[PAGE 51-61.]

During the course of consulting the parliamentary records, I learned that the wife of Thomas Greslet, the sixth baron of Manchester, was CHRISTIANA LEDET (apparently unknown to genealogists), in right of whom he held the scutage of Gannoc and the barony of Wardon, in Northamptonshire.

Amidst the laxity of ecclesiastical discipline which began to prevail, Thomas Greslet was less favourable to the secular than to the regular orders of the church. In the Coucher Book of Whalley, there is a grant by him of the land of Monithornes to the abbey of Stanlawe.—[See Coucher Book of Whalley, vol. i, p. 49-50.]

*Noverint presentes et futuri quod ego Thomas Gredeley concessi et hac presenti carta mea confirmavi Abbati et*

*monachis Loci Benedicti de Stanlawe totam terram meam de Monithornes quantum pertinet ad feudum meum infra cartas diuinas comprehensas in carta Gilberti de Barton. Tenend. et habend. in puram et perpetuam elemosynam prout eiusdem Gilberti carta eis facta testatur. Ita quod nec ego nec heredes mei aliquod seruicium seculare de terra illa exigere nec aliquam districtionem facere poterimus pro defectu seruicij quo michi Gilbertus de Barton de alijs terris suis tenetur. Hanc concessionem de me et heredibus meis fideliter tenendam feci eis pro salute anime mee et uxoris mee et antecessorum et successorum meorum. In huius rei testimonium presenti scripto sigillum meum apposui. Hijs testibus Alano fratre meo, domino Ricardo de Vernon, domino Roberto de Latham, domino Galfrido de Chetham, Hugone de Haselum, Roberto de Hulton, Ricardo de Trafford, Roberto de Schoresworth, et alijs.*

Upon the demise of Thomas Greslet, the sixth baron, there was assigned to Christiana Ledet, his wife, by letters from the king dated the sixth of March, in the 46th of Henry the Third (1262), the manor of Swinesheued, as a reasonable dower, and orders were given to make in her behalf a full seizure of the same.—[*Excerpta à Rotulis Finium*, vol. ii, p. 369.]

The issue by his marriage was, first, Robert, his heir, who died in the lifetime of his father, leaving a son also of the name of Robert, then an infant of tender years, to inherit the baronial estates of the grandfather. A second son of Thomas Greslet was Peter, an ecclesiastic and rector of Manchester, regarding whom some additional information will be found in a succeeding (the third) chapter of this Appendix.

§ 3. ADDITIONS TO THE ACCOUNT OF ROBERT GRESLET, THE SEVENTH BARON.—[SEE PAGE 61-65.]

Soon after Robert Greslet had arrived at full age [see page 63], he was summoned, in the 5th of Edward the First (1276), against Llewellyn, Prince of Wales, the summons being directed to Edmund, Earl of Lancaster. And, in the year following, the mandate was repeated,—John de Gresley, or Gredley, also named "Johannes de Gredle, seruiens;" that is, he performed military service due from Robert de Gredley. The muster was at Worcester.

The baron of Manchester was likewise on another occasion summoned at Oxford, as "Robertus de Gredley de Lancaster," when he performed military service by himself and three servants, thereby acknowledging the service of two knights' fees.

In page 65, I have alluded to Robert Greslet's confirmation of lands of Saint Mariden to the abbey of Stanlawe.

In the history which I wrote many years ago of the ancient parish church of Manchester, I was so far misled by the narrative of Hollinworth, who vaguely jumbles his account of "the chapel of Saint Mary Den, now called Deane Church," with the localities of Manchester, that, owing to my absence from Lancashire for a period of twenty years or more, I had strangely lost sight of a Dean Church which lay close to Bolton.

In my present history, I followed a document inaccurately given by Baines in his Lancashire history. But I am now enabled to correct the same by the Coucher Book of Whalley, admirably edited by Mr. Hulton.—[See vol. i, p. 60-2.]

It would appear that Robert de Greslet, being the capital lord of certain lands adjoining Saint Mariden, merely confirmed a gift made by Thomas de Perpoint to the monks of Stanlawe. The deeds are dated in the 4th of Edward the First (1275-6), from which I have translated a few extracts:—

Be it known to all men, as well present as future, that I, Thomas de Perpoint, have given, granted, and, by this my present charter, have confirmed to God and to the blessed Mary, and to the Abbot and monks of the Benedictine house of Stanlawe, in the same place serving God, for ever, and to the chapel of Saynte Mariden, for the safety of my soul and all of my ancestors and successors, in pure and perpetual alms, all my land near the same chapel of Saynte Mariden between these boundaries, to wit,—From the cemetery of the said chapel on the western side direct as far as the Kirkebrok; in following the Kirkebrok, as far as the Muckelbrok; in following the Mukelbrok as far as the foss descending to the same Mukelbrok; in following the foss, as far as the hedge which comes athwart from the cemetery of the said chapel on the eastern side; and thus in following the hedge as far as the before said cemetery.—To have and to hold from me and from my heirs for ever freely &c. &c.—By rendering nothing thence to any one except prayers and orisons, as the writing of Robert Gredelay the capital lord of the aforesaid fee, which the Abbot of Stanley and the convent of the same house have with them, doth testify &c.

CONFIRMATION OF ROBERT DE GREDELEY OF THE  
AFORESAID LAND OF SAYNTE MARIDEN.

To all to whom the present writing shall come, Robert Gredelay, Lord of Manchester health in the Lord. Know ye, that, in regard of charity and for the safety of my soul and of all my ancestors and successors, I have granted and by this my present charter have confirmed to God and to the blessed Mary and to the Abbot and monks of the Benedictine house of Stanlawe, and to their chapel of Saynte Mariden, all the land near the same chapel, with its appurtenances and liberties, which Thomas de Perpoint gave to them in pure and perpetual alms, between these boundaries, to wit from the cemetery of the said chapel, &c. &c. [as in the preceding charter.] So that neither I, nor any one of my heirs can ever exact or claim any thing from the said land except prayers and orisons. But be it free and quiet from all exaction of myself and of my heirs, as any eleemosinary gift or church land is more freely and quietly held. In testimony whereof I

have attached my seal to the present writing.—These being witness, the Lord John de Biron, Henry de Trafford, Richard de Moston, Roger de Penhulbury, David de Hulton, Robert de Schorerwrd, William de Kadelclif and others.—Accorded at Manchester, on the day of Saint Boniface, in the fourth year of the reign of King Edward the son of Henry the King.

Robert Greslet, in the 8th of Edward the First, married Hawise de Burgh, a rich heiress of the family of the Earls of Kent, who brought him lands in Northamptonshire, Somerset, Sussex, and other counties. By her he had two children, Thomas, born in 1279 or 1280, and Joan, about a year later.

This baron died in the 10th of Edward the First, while his two children were perfect infants, leaving, besides his Lancashire estates, lands in Norfolk, Suffolk, Lincolnshire, Rutland, and Oxford. And soon after this event Hawise de Greslet, "quæ fuit uxor Roberti de Greslet," was summoned, 10th of Edward the First (1282), on the morrow of Saint Peter Ad Vincula (August 2nd), to a muster at Rhuddlan.

It is said that the Grelleys of Drakelawe and Lullington, in Derbyshire, who boast a descent from Nigel de Stafford, claim from this marriage by a Peter de Gredley, who had a wife named Joan. But it may be remarked, that many other Greslets are commemorated about this time, to whom the descent might have been more safely referred. There was a Nottinghamshire Greslet, or Grelley, of the name of Radulphus, who had four brothers, Robert, Nigel, Henry, and William. I also find that there was a Robert Gredle, born in 1300-1.—But it is not for me to recount these genealogical difficulties.

Hawise de Burgh seems to have died in the 27th of Edward the First (1298-9), leaving lands in Wakerley, Northamptonshire, Kingston, county Somerset, and in Portland, Sussex. Her son, Thomas Greslet, the last of the Manchester barons of that name, was then said to have been twenty years of age.

§ 4. DATE OF THE DEMISE OF THOMAS GRESLET,  
THE EIGHTH BARON.—[SEE PAGE 79, 84,  
&c.]

It has been shewn [see page 79] that in 1308-9 Thomas Greslet made a formal grant of the manor of Manchester, for which, in the 35th of Edward the First, he had rendered homage to Thomas, Earl of Lancaster, along with other lands, and of the advowsons of the churches of Manchester and Ashton to John la Warre, knight, and Joan his wife, subject to an annual payment during his life of one hundred marks.

Under these circumstances there is a difficulty in explaining the repeated summons which he subsequently received to attend the parliaments held, as well as to appear with his followers against the Scots,—for instance, in 1313, when he was summoned conjointly with John la Warre to meet the king at Berwick-upon-Tweed.

In page 84 I have stated the demise of Thomas Greslet to have been in 1313. But it was not until the 25th of June, 1315 (8th of Edward the Second), that the writ of scutage (28th, 31st, and 34th of Edward the First), which John la Warre had obtained in respect of the lands of Thomas de Grele, deceased, was tested at Thundersley. Yet he might have died a year or two before the date of 1315.

§ 5. ALIENATION OF THE MANOR OF MANCHESTER TO THE ABBEY OF DORE, IN HEREFORDSHIRE, FROM THE FOURTH TO THE NINETEENTH OF EDWARD THE SECOND.  
—[SEE PAGE 86-95.]

So little is this abbey known, that Lancashire topographers have supposed that the alienation was to a foreign abbey, *Dort*, in Holland, into which mistake I myself fell in my history drawn up some years ago. But not having been satisfied with this statement, I inquired nearer home after the convent of Dore, and found it about twelve miles southwest of Hereford, near the road which leads to Abergavenny. This abbey owed its origin to a lord of the adjoining manor and castle of Ewyas.

The building of Ewyas Castle, situated not far from the Wye, is ascribed by some to William Fitzgerald, Earl of Hereford, during the conquest of England. But others say that it owed its erection to Harold before he became king, and that when he gained a battle against the Welsh, he gave his castle to a bastard named Harold, whence the name which the manor and village continued to bear of "Ewyas Harold." It is again questioned, if this Harold was really the bastard son of the Saxon king, and if his father was not Ralph, Earl of Hereford, in Edward the Confessor's time.

The bastard son of King Harold, as some name him, had issue two sons, the younger of whom, Robert, Lord of Ewyas, had a larger estate than his elder brother enjoyed, and, in the time of King Stephen, founded Dore Abbey, a Cistercian house of white monks, to the honour of the Virgin Mary. The abbey is situated in a valley named by the Welsh "*Diffryn Dwr*," but, by the English, "*The Golden Vale*." It was built near the confluence of the streams of Dour and Minow.

ROBERT DE EWYAS, founder of Dour Abbey, who there lies buried, had issue ROBERT:—

This second ROBERT had one daughter named SIBILLE EWYAS, married to SIR ROBERT TREGOZ, a Norman, who dwelt at Ewyas Castle. Robert Tregoz had issue JOHN TREGOZ, who married Julia, a daughter of William, Lord Cantelupe, and sister to Thomas Cantelupe, Bishop of Hereford, and chancellor to Henry the Third. John Tregoz died in the 29th of Edward the First, leaving two co-heiresses, between whom the said barony fell into abeyance, of the names of (a) CLARENCE, and (b) SIBELLE.

(a) CLARENCE wedded ROGER LA WARRE, by whom she had a son, JOHN LA WARRE (the ninth baron of Manchester), to whom John de Tregoz left his castle, as to the principal, even in the lifetime of Roger la Warre, the father. But it has been asked,—in what way Roger la Warre, the father, "was barred of his right of tenancy by the curtesy, so as to entitle the son to claim his share of the mother's lands in his father's life time?"—[See *Escaet*, 28th of Edward the First, No. 43.]

(b) SIBELLE, or Sybille, the second daughter and co-heiress of John Tregoz, became the wife of William de Grandison.

But to return to Dore Abbey:—Many bequests are recorded to the same, as by Robert, Earl of Ferrars, King John, Alan de Plokenet, Walter de Clifford, and John la Warre.

The endowment of John la Warre, in the 4th of Edward the Third, serves to show the attachment which the baron of Manchester had to this abbey:

Know all present and future, that we John la Warre, lord of Ewyas, have demised, granted, and, by this our present charter, have confirmed to God, the Blessed Mary, and to the Abbot and convent of the Monastery of the Valley [of] Dore, one acre of land with its appurtenances in Wyketoft in the county of Lincoln, with the advowson of the church of the same town of Wyketoft; to wit, that acre which Robert the son of Alexander of Westenges lately held from us in bondage, which lies between our land which Thomas the son of John holds in bondage, \* \* \* To have and to hold to the same Abbot and convent and to their successors the aforesaid land and advowson with their appurtenances in pure and perpetual alms from us and our heirs for ever. And we, &c., shall warrant, &c. Dated at Isefeld in the county of Essex on the day of the Sabbath at the feast of the nativity of the blessed Mary in the fourth year of the reign of King Edward the Third from the conquest.—[See *Dugdale's Monasticon Angliæ*, vol. i, p. 864.]

Dore Abbey was long a burying place of the

nobility of the county, and if any remains of them exist at the present day, it may be worth a visit to inquire, if Thomas Greslet, baron of Manchester, here reposes; for it is not improbable that he retired to this abbey to end his days, and that the temporary alienation of the manor of Manchester had been intended for his support during the term of his religious seclusion.

It is curious, that about five years after the recovery of the alienated manor of Manchester, there is some trifling indication of a connexion having been kept up by the abbot of Dore with the county of Lancaster. The abbot of Dore is mentioned as an arbitrator, along with his neighbour the abbot of Tintern, in a dispute between the abbeys of Whalley and Salley, upon the subject of tithes: "*mediantibus Abbatibus de Dora et Tynterna iudicibus à capitulo generali assignatis.*"—[Coucher Book of Whalley, vol. i, p. 99.]

At the time of the great inquest, Dore Abbey, according to Dugdale, was valued at £101 6s. 2d. Speed says £118 0s. 2d.

§ 6. NOTICES OF JOHN LA WARRE, THE NINTH BARON, AND OF ROGER LA WARRE, HIS SUCCESSOR.

In noticing John la Warre's military exploits [page 99], I might have alluded to a curious requisition to him, which I extracted from the parliamentary records;—it is dated 20th of December, in the 16th of Edward the Third, and is for men, arms, and bowmen to hasten to the king to meet him at Portsmouth: "*A Monsieur Johan de la Ware pur xx hommes d'armes xx archers.*"

It would seem that Roger la Warre, renowned as a military character [page 109], took some part in state measures: he was concerned in treaties made with the King of Navarre, and with Peter, King of Castile.

Roger la Warre died on the 27th of August, 1370, and was buried in Swineshead Abbey,—the great place of sepulture selected for themselves by the ancient barons of Manchester.

§ 7. THE SWORD OF STATE USED BY THE ANCIENT BARONS OF MANCHESTER.—[SEE PAGE 30.]

I have at length completed my additions to the history of the barons, who were patrons of the ancient parish church of Manchester.

In page 30, allusion has been made to the large state sword upon which the barons of Manchester exacted from their vassals an oath of fealty, and which they were wont to have carried before them upon all occasions of pomp or ceremony. This

relic was, in the commencement of the last century, about 1720, turned up by the plough in Castlefield, not far from Old Mancastle. It is minutely described by Whittaker as having a blade forty-seven inches and a handle eighteen and a quarter inches long,—the united length being five feet five and a quarter inches. The blade, which had a double edge, was nearly two inches in breadth at the guard, and tapered away to a sharp point. The handle was four and a quarter inches in circumference, and was lined all round with soft wood, and covered above with leather, being terminated by a large round ball of iron of about a pound weight, and crossed by an iron guard twenty and a quarter inches in length. Its weight amounted to seven pounds eight ounces, which made Whittaker—who, *suo more*, pronounced "the curiosity to be decidedly Roman, and to be very like a sword depicted on a Roman monument"—to express the opinion, that when used on the battle-field, it was designed to be wielded by both hands together!—[See Whittaker's Manchester, 4to, vol. i, p. 51.]

This sword of state, carried before the Greslets, was similar to numerous others of the middle age, which are delineated in illuminated drawings, stone monuments, and elsewhere. The Manchester relic was, in the year 1771, when Whittaker wrote, possessed by Thomas Birch, Esquire, of Ardwick. Afterwards, Sir Ashton Lever obtained it for his museum, then the common receptacle for divers antiquarian remains which had been hitherto hoarded up for centuries in private collections, or among the insignia of the old families of Lancashire. And when, by the sale and dispersion of this invaluable collection, Lancashire was deprived of her choicest historical relics, the baronial sword was bought by Mr. Tomlinson, surgeon, of Manchester, who was well aware of its true character, and, if I correctly remember, it was presented by him to the late Mr. Barrett. Eventually, the sword became the prize of the late lord of the manor, Sir Oswald Mosley, and, after the manner of his predecessors, the Greslets and La Warres, was carried before him in state, when the worthy baronet headed the procession of trades at Manchester, upon the coronation of George the Fourth.

## CHAPTER II.

### THE CIVIL AND MUNICIPAL HISTORY OF MANCHESTER.

In this important division of the historical subject of my inquiry, I have made the humble

attempt to supply a blank hitherto entirely neglected by former historians of Manchester:—it was to point out the social advance of Manchester as keeping pace with the gradual emancipation of the inferior classes from the state of villeinage and bondage tenure to the condition of yeomen, or of free burgesses. This important transition has been too often unheeded in most local histories. Many years ago, I drew up a sketch of the history of both English and Scottish yeomen, which various engagements prevented me from publishing. Consequently, some of the researches which I then made have been transferred to this work, with the view of explaining the most difficult portion of the history of Salford and Manchester, as connected with the municipal charters granted by Ranulph de Blundeville, or Thomas Greslet.

In the course of the present volume I have pointed out, that the system of Saxon jurisdiction comprised two great principles, namely, a fixed residence and a mutual pledge of responsibility to the laws, whereby was produced in every habitable district an efficient local police. Upon these principles was based all the municipal privileges granted to Salford and to Manchester, and all the subsequent proceedings and by-laws of borough courts which were in force to so late a period as that of the time of the Great Rebellion. So jealous, also, were the old inhabitants of Manchester that the principles enforced by their Saxon progenitors and confirmed by Norman barons should not fade by time, that advantage was taken of a casual visit which James the First made to Lancashire, to have them confirmed.

It was not until I had finished explaining the charters of Manchester and Salford that I became acquainted with the fact, that along with the acquirement of the manor of Manchester by the corporation from Sir Oswald Mosley, the ancient proceedings of the borough courts, commencing in the sixth year of Edward the Sixth, and continued during many succeeding reigns, had been transferred to the purchasers, and were lodged in the muniment chest of the town council.

For the acquirement of this treasure, as well as for the highly interesting extracts from them which have been occasionally published in the *Guardian*, much is due to Mr. Harland, who has from time to time elucidated the more important events of "Old Manchester" with all the enthusiasm of a native of the town. To this very intelligent writer Manchester owes a deep debt of gratitude.

I trust that, ere long, the corporation will be induced to publish the whole or most of the ancient proceedings of the borough court of Manchester, the expense of which cannot press in any very

perceptible degree upon the funds and resources of the city. The history of the second city of the kingdom has of late excited, among all ranks of its inhabitants, no small degree of interest. And what inquiry can be more important than that which is directed to the early framing of municipal provisions,—from the first date of which we discern the great impulse which had been given to the future progress and advancement of Manchester. In the extracts already published by Mr. Harland, from the proceedings of the borough courts of Manchester, we continue to trace the laws which first regulated the inheritance of burgage tenures, which have since given stability to commerce by the protection afforded to the fair dealer, which have protected the peace of the town from the external aggression of the vagrant plunderer or the rebellious outlaw, or which, by a most vigilant system of police, founded on the Saxon principle of the mutual pledge, have promoted internal and civic peace, whether broken in the course of fairs or markets, of public games and amusements, during the festive biddings of brides and bridegrooms, or even by the street brawls kept up by common scolds.—Lastly, we must admire the sanitary measures which were resorted to on all occasions resulting from inefficient drains and other lethal accumulations of animal matter, or during the fearful visitations of pestilence, or when famine threatened.

When these documents are published, we shall acquire—and not before then—a knowledge of the domestic history and manners of Manchester through many ages.

Along with a publication of this kind,—I hope under the able editorship of the gentleman who first introduced the documents to public notice,—a registry may be made of the various charitable bequests, which from time to time have been left for the relief of the poor. Many of these have been most meritoriously detailed in the pages of the Manchester journals, the *Guardian* and the *Courier*. A most active and honoured citizen of Manchester, Mr. Alderman Kay, has of late employed himself in endeavouring to recover various "lost charities," as the fraudulent acquisitions of funds destined for the support of the indigent are far too mercifully named. Nothing would more effectually operate against any future abuses of trust, than an exposure of the mode in which the charitable bequests and endowments of former days have been abused.

But to return to the municipal history of this volume, regarding which I have little to add.

In the charter of Salford [page 48] I had, upon

a conjecture, corrected the name of one of the witnesses from Paganus de Chauras, as given by Baines, to Paganus de Chaworth. Since then I found it remarked, in one of the parliamentary records, that there was a "Paganus de Chawrth," who had the custody of the honour of Bergeveney.

In page 33 an account of the ancient tumbrel, or cuckstool, also named the ducking stool, is given. Since this was written I read a notice in the public papers of December, 1847, as follows: "The ducking stool, a relic of by-gone times, and dread of all shrews, has, by direction of the mayor of Ipswich, been painted, renovated, and suspended over the staircase of the Town Hall of that town."

Upon this paragraph I may remark, that I have a perfect recollection of having seen a similar relic in an attic room of the Manchester Infirmary, built near the ancient pool named the Daubholes, where the ducking stool was in frequent use. The relic was shewn me, about fifty years ago, by my very old and esteemed friend, Mr. James Ainsworth, surgeon, when he was a pupil of the Royal Infirmary.—Does the relic still exist? It would form, as in Ipswich, an interesting article for a municipal museum.

Again,—during the course of writing this history, the names of numerous ancient inhabitants of Manchester have presented themselves to my notice, but, as they were quite unconnected with its church history, I could not advert to them. Thus, in the time of Edward the First, I find mention made of the name of Galfridus de Bracebrugg, seneschal of Manchester, as well as of a burgess, Johannes de Manchester.

With regard, however, to this last cognomen, I would offer a caution.

Many individuals have been, by writers, adjudged natives of Manchester from the term Mamcestre, or Maincestre, having been appended to their Christian names. But it has never been reflected, that there was a Manchester in Warwickshire, with which the Lancashire town could scarcely fail to be often confounded; as, for instance, by Hollinworth and Baines, in their respective accounts of Hugo, or Hugh, of Manchester.

Thus, in page 69, I have doubted whether the celebrated "Hugh of Manchester" did not rather belong to the Manchester family of Warwickshire. Since then I have consulted Dugdale's Warwickshire, where the genealogy of the Manchester house is given [fo., p. 774-5], and wherein it appears that the name of HUGO is of such frequent and prevailing occurrence, as to be constituted the characteristic family name.

It is, however, not a little remarkable, that the Mancesters intermarried with an old family of

Rochdale, which town, however, lies at a distance of twelve miles or more from Manchester. "Hugo de Manchester," observes a very intelligent friend to whom I mentioned the subject, "might be of Mancetter in Warwickshire; and it is true that the Holtes of Grizzlehurst were connected, by marriage, with that house, through the Sumpters and other families allied to the Brockholes, as appears by two closely written rolls of parchment, in my possession, relating to suits with Merevale Abbey, about the time of Edward the Fourth or Henry the Seventh. These give much information of an interesting character; but there is no mention, I think, of Hugh de Manchester."—[From a communication of the Rev. F. R. Raine, M.A.]

### CHAPTER III.

#### REMARKS ON THE DEANS RURAL, RECTORS, AND CHAPLAINS OF MANCHESTER.

Since the first book of the Supplement passed through the press, I have been enabled to make a few corrections and additions to the accounts which have been given of the deans rural, rectors, and chaplains of Manchester.

#### § 1. THE DEANS RURAL OF THE DEANERY OF MANCHESTER.

With the aid of a very obliging friend, whose kindness I have before had occasion to gratefully acknowledge, in conjunction with notices from the Coucher Book of Whalley, the following may be offered as a more correct list of the very few deans rural of Manchester who meet with record:—

| DATE.                             | NAMES.   | PAGE. |
|-----------------------------------|--|-------|
| 1192.                             | J. Decanus de Mamcestr.....  | 25*   |
| 1235.                             | J. Decanus de Manucestre .....   | 52    |
| Circa 1268. }<br>53rd Hen. III. } | Jordanus, Decanus de Maincestr.—<br>[See Dodsworth's MSS., vol. xiii.]   |       |
| Circa Edw. I.                     | Johannes Decanus de Mamcestr witness to a deed.—[See Dodsworth's MSS., vol. cxxxiii. Alluded to by Whittaker] .....                                      | 68    |
| Circa Edw. I.                     | Dominus Galfridus Decanus de Mamcestre.—[See Dodsworth's MSS., vol. cxxxiii.] Was he Galfridus de Stoke? .....   | 76    |
|                                   | [Capallanus Galfridi de Mamcestr] There is also, in the Coucher Book of Whalley, vol. ii, p. 601, in a deed without date, "Dominus G. Decanus Mamcestr." | 76    |
| 1421.                             | Thomas la Warre, Decanus Decanatus .....   | 129   |
|                                   | [But I am now not quite so certain that he was a dean rural of Manchester.]  |       |

Such is the scanty list of the deans rural of Manchester.

I have laid it down, as a conclusion, that Whittaker's assertion of the offices of dean and rector of Manchester having been necessarily conjoined, had failed in proof. His strongest hold is the case of Thomas, Lord la Warre, who, he maintains, was in himself both dean rural and rector of Manchester. Into this opinion I myself rather too incautiously fell, as is shewn by what I have stated in page 129. For, upon a more careful examination of the deed in which the term "*decanus decanatus*" occurs, without the name of any dean transpiring, as in the petition of the parishioners of Manchester for the collegiating of their church, wherein the characters of the decanal seal are much destroyed, we can legitimately infer nothing more than the strong probability that Thomas la Warre was then both rector and dean rural, for the temporary and special purpose of preventing any clashing of interests which might have arisen if these offices had been held by two persons. It is evident, however, that a similar peaceful result might have ensued if Thomas la Warre, instead of being both rector and dean, had simply committed the latter office to some pliant individual, who might lend himself to the views of one who would be much his superior in rank and ecclesiastical influence. But, in reality, the question is of insignificant import, except for the crotchet in which the learned, yet too fanciful historian of Manchester has indulged.—[See Whittaker's *Manchester*, 4to., vol. ii, p. 380-98.]

## § 2. THE RECTORS OF THE ANCIENT PARISH CHURCH OF MANCHESTER.

If a more accurate list of the rectors of the ancient parish church of Manchester has in the course of this work been given, I owe it to the following circumstance:—

In the Appendix to my former publication on the Manchester foundations, I published a list of the rectors of Manchester obtained from the late Mr. Ford, bookseller, of Manchester, who had previously meditated getting up the history under his own editorship and authorship. The list was said to have been drawn up for him by Dr. Ormerod, the historian of Cheshire, from extracts made by the Holmeses from the Lichfield registry, and deposited in the British Museum. In conceiving that among these archives there might be still more ecclesiastical information, I applied to a friend to examine the records for me, who happened not to be well versed in searches of this kind, whence the result proved a fruitless one. Under

these circumstances, I wrote to Dr. Ormerod for further information, who, without hesitation, himself took the trouble of repairing forthwith to the British Museum, and of making for me all the extracts I could wish for.

This was an obligation of no common kind, which was enhanced by my having been personally a stranger to this gentleman. His polite reply to my query, which I trust he will excuse me in quoting, was as follows:—

35, Queen Anne-street, Cavendish-square,  
25th April, 1844.

SIR,

No apology whatever is necessary for the inquiries contained in your letter of the 20th inst., which has been duly forwarded to me from Sedbury.

Perhaps I shall surprise you by saying that the communication was *not* made to Ford by me, or with my knowledge. It is in the handwriting of my friend, the Rev. J. T. Allen, to whom I gave some extracts from the list of presentations which is drawn from the Lichfield registers, and preserved in Harl. MSS., 2071. No. 2070 (to which Allen's MS. inaccurately refers) is a calendar of Cheshire fines in the seventeenth century. No. 2071 is almost exclusively ecclesiastical, and this document is mentioned on the page opposite to that which was searched in vain.

I have an exact copy of this calendar of presentations at Sedbury, which relate almost exclusively to Cheshire, saving what I have transcribed relative to Manchester,—a few presentations to Ashton-under-Lyne, and (if I remember right) some Flintshire ones. As I conceived that delay in waiting to copy from my transcript might be inconvenient to you, I immediately went to the museum, and made the accompanying extract, which I can certify as a faithful extract from the authority cited. The only difference is, that I omitted the columnar arrangement of "*Ecclesie, Incumbents, Patroni, and Episcopi*" (which by no means adapts itself to the matter), and have written the words *at length*, as R. Holmes's contractions are very unantiquarian and irregular.

It may be now observed, that the list of rectors drawn up by the Holmeses, and copied for me by Dr. Ormerod with the most rigid accuracy, has been given *literatim* in the present publication.

I would also add, that a very intelligent and kind friend, whose contributions I have at various times had occasion to acknowledge, some years ago took the trouble of himself consulting what remains of the ancient registries of Lichfield, by which he was enabled to correct a few errors in dates, and to supply the name of a rector omitted by the Holmeses.

He has likewise added two names [*viz.* of Ranulphus de Welling, and Peter Greslet] to the list of rectors who appear previous to the year 1299, when the Lichfield registry commences.

As many of these corrections were sent to me after the body of the work was printed off, I shall now take the opportunity of explaining them in reference to the following list.



| DATE.             | NAMES OF RECTORS.  | PAGE.     |
|-------------------|--|-----------|
| 6th of Richard I. | Ranulphus de Welling.....  | 25        |
| Temp. Johannis.   | Albert de Neville .....  | 26-30     |
| Recorded 1280.    | Peter Greslet, named also Custos ecclesie. Is found to be witness to two deeds of the 9th and 12th of Edward the First ..... | 60-1      |
| 1288 (?).         | William de Marchia, who, in 1292, was bishop of Bath and Wells .....   | 67, 83    |
| 1292.             | Walter de Langton, afterwards bishop of Lichfield and Coventry .....   | 68, 83-4  |
| 1299 (?).         | Otto de Grandison .....  | 69-70, 84 |
| 1306.             | Galfridus de Stoke .....   | 76        |
| 1313.             | John de Vorden .....   | 88        |
| 1316-17.          | John de Ardena .....   | 88        |
| 1323.             | Adam de Southwick .....  | 94        |
| 1327.             | John de Claydon .....  | 96        |
| 1351.             | Thomas de Wyke.....  | 105       |
| 1373 (?).         | Thomas la Warre (the last rector) .....  | 112       |

In following the order of this list, I shall now describe such additions as have occurred to me too late to appear in their proper place, or, otherwise, more suitable to the details of an appendix.

(a) *Ranulphus de Welling, rector of Manchester.*  
[See page 26.]

Regarding this rector I have learned nothing more since I merely announced his name.

(b) *Albert de Neville, rector.*—[See page 26\*.]

He is known to us through a litigation with the monks of Kersall, for which information I am indebted to the late Mr. Palmer.—This former valuable contributor to the History of the Foundations of Manchester, made out a catalogue of the Keurden volumes in the possession of the College of Arms, wherein I understand that there is in vol. iii, K. 4, no fewer than seven documents relative to this hermitage.—Tanner refers to the following records concerning Kelsall:—Cart. I., Joannes, p. 2, m. 16;—Pat. 17 Hen. VI., p. 1, m. 9;—Pat. 32 Hen. VIII., p. 8, m.

(c) *Peter Greslet, rector.*—[See page 60-1.]

Peter Greslet, as I have shewn, was the second son of Thomas Greslet, the sixth baron of Manchester, whose elder brother, Robert, died in the lifetime of the father, leaving behind him a son, then of tender years.

It has been also stated [page 60] that Thomas Greslet, to the prejudice of his grandson, wished to convey the manor of Manchester, together with the chapels of Assheton, Hale, and Garston, to his surviving and second son, Peter, the Churchman. But this was not permitted,—the plea being in vain, that, because the son and heir, Robert, had died before he was of legitimate age, the heirship

had devolved upon Peter:—"qui quidem Robertus heres ipsius Thome decedit antequam fuerit legitime etatis per quod jus dicte hereditatis devolvatur ad ipsum Petrum." It was, on the contrary, denied that the late baron had enfeoffed his son Peter with the manor and other appurtenances of Manchester, whence the king sent orders to the sheriff to retain in safe keeping the estates of Thomas Greslet, defunct, and to be prepared against any resistance to the royal mandate, in accounting to the sovereign for the issues of the estates:—

CONCERNING THE LORDSHIP OF THE MANOR OF MANCHESTER TO BE TAKEN INTO THE HANDS OF THE KING.

The King to William Le Latymer his escheator beyond the Trent, greeting: Because it has been proved before us that Thomas Gresley, lately deceased, did not infeoff Peter Gresley his son of the manor of Manchester in such a time and in such a mode that he might thence possess a free tenement, and that the custody of the same manor belongs to us by reason of the land and of the existing heir of the aforesaid Thomas who held from us in chief for the barony in our hands, we command that without delay you place the aforesaid manor in our hands, and that you keep it in safe custody, so that from the issues thence proceeding you answer at our treasury. For we have commanded our sheriff of Lancaster, that if you should find any resistance in this place, whence you may be the less enabled to place the aforesaid manor in our hands, that then, the posse of the aforesaid county being charged with him, he may repair to the manor in his own person with the aforesaid, and place the same in our hands, and commit it to you in custody as beforesaid: Witness the King at Westminster on the sixth day of May.

[Excerpta è rotulis finium in Turri Londonensi asservatis Henrico Tertio Regi, A.D. 1216, vol. ii, p. 372.]

It does not appear that Peter Greslet, the second son of the late baron, was then rector of Manchester. When his father died, he was simply termed "custos ecclesie de Maincestr," no doubt for the reason explained in the body of the work, lest the rights of the patron should be invaded, and the church be subject to one of the papal provisions.

A friend, however, upon whose accuracy I can rely, informs me, that "Petrus Grelley," as RECTOR OF MANCHESTER, was subsequently witness to two deeds of the dates of the 9th and 12th of Edward the First.

(d) *William de Marchia, rector.*—[See page 67, 83.]

The complaint of Thomas Greslet is stated [page 68], that, while he was under age, William de Marchia had, by usurpation, introduced himself into the church of which he was patron.

In 1292, on the feast after The Conversion of Saint Paul, William de Marchia was elected bishop of Bath and Wells, which, on the 1st of March, had the royal assent, and, on the 19th of the same

month, the temporalities were given up to him. He was consecrated on Whit-Sunday, 1293.

This was a remarkable personage. If the patron of the Manchester church complained of injustice from the hands of William de Marchia, what complaint had not other ecclesiastical foundations to make against him for tenfold more injustice? He was the great precedent whom Henry the Eighth copied. Two centuries and a half previously, he had instructed Edward the First in the mode of replenishing his treasury by pillaging churches and religious houses. Godwin, whose account I shall translate, professes to distrust the charge, in which he stands alone among ecclesiastical writers.

“Upon the death of Burnell, there immediately succeeded William de Marchia, Treasurer of England, who, upon the restoration of the temporalities, is named on the 19th of March, in the 21st of Edward the First. In the archives of our church of Welles I saw several copies of letters, not a few having been written by the king, by the nobles, and prelates, in part to the Pope, but in part to certain cardinals, in which, with such great praises, they exalt the sanctity of this Marchia, tested, as they reckon, by many miracles, as that they might more urgently demand, with many supplications, that he should be inscribed in the catalogue of saints.

“What may seem wonderful to the reader, is what Polydore Virgil, as well as the Westminster [historian], hath delivered regarding him in these words:

“‘During continuous wars there was a royal treasury at length empty, which evil William de Marchia, the treasurer, himself resolved to cure, even to the detriment of what was not his own. For he had information that there had been money deposited no less in the monasteries than in the churches, which, if he should direct to be seized, he thought that he should do,—certainly not a crime, but a service worth the trouble, particularly if the money should be found acceptable abroad for the use of the people, in the same manner as if all things were common, which, if promptly done, he might thereby supply and furnish money to the soldier. Whereupon the commanders of the military, to whom he had committed the office of perpetrating the sacrilege, the soldiers having been distributed in different places throughout the kingdom, all at once carry to the king whatever money had been hoarded up in sacred places and diligently ferretted out:—the people in the mean time every where complaining because their prince had not thought meet to withhold his hand from money with which sacred edifices were to be renewed. But as the king wanted money, he did not dissimulate.’

“So far Polydore. But in whatsoever manner he may judge regarding this matter, there was certainly not wanting to this prince either the mind or the disposition to devise and afterwards to perpetrate an atrocity of this kind, so that there might fall upon any one else the stain of the crime. Yet it is very likely that the reproach of such an infamy, however unjust to one who was not deserving of it, might have excluded him [De Marchia] from the pontifical calendar. He sate about ten years, and is buried in a monument on the south wall of the transept, near the gate in which there is a passage to the cloisters, the same being much adorned with polished stone.”

[De Præsulibus Angliæ Comm. per Franciscum Godwinum, 4to, A.D. 1616, p. 427.]

(e) *Walter de Langton, rector of Manchester*—  
[See page 68, 83-4.]

I have collected the following additions relative to the biography of this rector of Manchester.

Walter Langton was born at West Langton, Leicestershire. Both at that place, and at Thorpe Langton, he possessed property, as is shewn in a grant of free warren from Edward the First. He was the nephew of William Langton, dean of York and canon of Lichfield, who was the pope's chaplain and dean of the free chapel of Bruges.

In his advancement we first find him noticed as keeper of the king's wardrobe.

In 1292, during which year he was made rector of Manchester, he was, on the 25th of October, appointed keeper of the great seal:—September 28th, 1295, he became lord treasurer:—February 20th, 1296, he was absent from the king beyond the seas, when, owing to the death of Bishop Rogers, he was chosen to the see of Lichfield; in the June following, he was confirmed by the archbishop; in the next month he was admitted by the king to the temporalities; and on the 22nd of December ensuing, was consecrated at Cambay, by the cardinal, bishop of Albani. Having been in much favour with Edward the First, he was continued in the treasury after he was bishop, and, until the year 1299, even held the benefice of Manchester, which he then resigned to Otto de Grandisone.

Walter Langton was a munificent churchman. He commenced the Lady's Chapel at Lichfield;—he made a sumptuous shrine for Saint Chad at the expense of £2000;—and he built the gate at the west end of the cathedral.

But we may now advert to the misfortunes which embittered the concluding days of the bishop.

He incurred the displeasure of Prince Edward (afterwards Edward the Second), by reproving him

for his extravagances, who not only in revenge broke down the pales of the bishop's deer park, but accused him of crimes to the pope, and made sore complaints of him to the king. Imprisonment for some days, a citation to Rome, and the loss of his see followed. But, through the mediation of the archbishop of Canterbury, the bishop was eventually restored to favour both with the king and the sovereign pontiff.

In 1307 Edward the First died, when Langton, who, upon the occasion of his sovereign's coronation and marriage, had preached in the king's hall, was ordered by Edward the Second to conduct the remains from the borders of Scotland; but, upon the royal funeral reaching London, he was seized by the constable of the Tower, on some capricious charge, and thrown into prison. The bishop was afterwards tried and pronounced not guilty, and on the king still retaining him in prison, a synod of the clergy met, and insisted upon his release, as well as upon the restoration of his goods,—which was granted.

Afterwards on the trial of Gavestone, who, on account of a reproof which he had formerly given this royal favourite for encouraging the prince in his extravagances, had been his bitterest enemy, he had the conscience to refuse joining the king and nobles against him, for which he was excommunicated by the archbishop of Canterbury, but absolved by the pope.

In 1312 the king once more made Langton his treasurer, and restored him to his diocese.

On the 16th of November, 1321, he died at London, and, in the chapel of the blessed Mary built by him at Lichfield, was buried under a sumptuous monument. He had sat in the see of Lichfield nearly twenty-five years.—[See Shaw's Staffordshire, vol. i, p. 268, and Godwin ut supra, p. 373.]

(f) *Otto de Grandisone, rector*.—[See page 69.]

I am informed, by the friend to whom I have alluded, that there is an entry in the Lichfield registry of this rector to the following effect:—

14 Kal December 1299 Otto de Grandi' sono instituted by John Grifyn de Grandi' sono his proxy on the presentation of the king.

Upon farther consideration, I have discovered that the genealogy of the Grandisons, as submitted in page 70, is in the highest degree unsatisfactory.

Otto de Grandison, rector of Manchester, could not have been the son of William de Grandison, once the menial of the duke of Lancaster. I would rather suspect him to have been the son of Otto, the elder brother of the said William, who attended Prince Edward to the Holy Land, and is said, perhaps incorrectly, to have died without

issue. Supposing this to have been the case, as Otto de Grandison, the rector, was in holy orders, he could not, upon the demise of his father, have succeeded to the barony of Grandison, which, in consequence, would be conferred on a younger brother of the baron, William, then in the suit of the duke of Lancaster, who would be uncle of the rector. This William de Grandison had also a son named Otto, who, however, was an active and distinguished soldier, rather than a priest.—[See Burke's Extinct Peerage, p. 227.]

(g) *Galfridus de Stokes. Was he rector and dean rural?*—[See page 76.]

Since I attached this query to the name of Galfridus de Stoke, I am enabled, through the kindness of my friend, to make a reply. In the Lichfield registry there is certainly an entry to this effect:—

15th Kal April 1306 Galfridus de Stokes Clerk instituted on the presentation of Thomas de Grellie.

Hollinworth has given to this institution the wrong date of 1301 instead of 1306, which, in my labours some years ago, puzzled me grievously.

The Holmeses leave out the entry altogether. No doubt it had escaped their notice.

About the time, when Galfridus de Stoke was rector of Manchester, there was a dean rural of the name of Galfridus, whom I have suspected to have been one and the same individual.

Of the family of Stokes I am ignorant. In the Coucher Book of Whalley (vol. i, p. 273) there is a Robert del Stokk living in the time of Edward the First.

(h) *John de Verdon, rector*.—[See page 88.]

The name of this rector is also found among the registries of Lichfield, which is not Dekirden as the Holmeses read it, nor yet De Vorden, but (as I suspected), De Verdon. He appears to have been of the same name as that of the benefactors of Crokesden Abbey, in the county of Stafford.—[See Collect. Geneal., vol. iv, p. 391.]

The entry at Lichfield is to the following effect:—

9 Kal. Feb 1313. John Deuerdon, Presbyter on the presentation of Sir John la Ware Knight.

(i) *Adam de Southwick, rector*.—[See page 94.]

This name is likewise still to be found in the Lichfield registry:—

4 Id. Oct. 1323 Adam de Suthwyk, Clerk, on the presentation of Sir John la Ware, Knight on the cession of John de Verdon.

My correspondent adds, that De Verdon ac-

cepted the deanery of Saint Paul's;—he believes, in exchange.

(k) *John de Claydon, rector.*—[See page 96.]

I am informed that in the Lichfield registry the entry is as follows:—

9 Kal Sep 1327 John de Claydon Presbyter on the presentation of Sir John la Ware Knight on the death of Adam Suthwyk the last rector.

The Holmeses, however, make additions to this entry.—[See page 96.]

(l) *Thomas de Wyke, rector.*—[See page 105.]

The present Lichfield register is to the following effect:—

12 Kal, Sep 1351, Thomas de Wyke, chaplain, on the presentation of Dame Joan, who was the wife of Sir John de Warre, on the death of John de Claydon the last rector.

This rector, accused like his predecessors of having been engaged in secular employment, generally of the patron, was, as I have stated, very active in civil processes of law. Upon an occasion when John la Warre made a claim of the view of frank pledge and other liberties (including the tumbrel, &c., &c.) in the manor of Wakerley, which had formerly belonged to Thomas Greslet, it is stated: "Et Johannes per Thomam de Wyke attornatum suum venit et dicit quod predictum manerium de Wakerle ad quod predictae libertates pertinent quondam fuit in seisinam cujusdam Thome de Grelle" &c. &c.—[Placita de quo warranto for Northamptonshire, p. 541, Temp. Edw. I, II, and III.]

It was in the time of Thomas de Wyke that Wycliffe first taught, whose doctrines possessed great influence over the ecclesiastical state of Lancashire. In estimating them, it is possible that I might, in a few instances, have been at fault; as, for instance, in regard to the reformer's views of the Eucharist, which first excited the indignation of John of Gaunt.—[See page 118.] At first, Wycliffe was inclined to a figurative explanation of the sacrament; but, eventually, his opinion became less wavering. While he denied transubstantiation, he distinctly asserted the real presence.—[See my quotation from Tierney given in page 120, and Apology for the Lollards, Introduction, p. xxxiv, and p. 118.]

(m) *Thomas la Warre, rector.*—[See page 105.]

It is remarkable that the name of this last rector of Manchester does not occur among the Lichfield registries, nor is it to be found in the transcripts made by the Holmeses.

The era of Thomas la Warre was, as I have observed, that of Lollardism, the great leaders of

which were Sir Louis Clifford and Sir Thomas Latimer, relatives of the baron of Manchester.

The view which I have taken of the movement of this eventful period is not that of any party writer whatever. I have been taught, from high authorities, that it is not from historical events alone, but from an investigation of the desires or wants, which, in a chain of causes, arise in the human mind at successive epochs, that we must form our judgment of the religious movement of any given period. The ideas which are thus spontaneously generated, have been far too frequently supposed to derive their origin from some adventitious circumstances in which a nation might have found itself placed. But this is an opinion, the fallacy of which must strike every one who has reflected on the incidents of the reign of Henry the Eighth. The sentiments with which a whole people are impressed at any given period, arise, on the contrary, by a sort of fatalism, and, in the activity of their development, we read the origin and circumstances of the political and religious changes which follow.

Nor is the order in which such ideas are generated, deep as they lie within the recesses of the human soul, entirely veiled from our comprehension. Speculations, regarding this order of development, have been hazarded by Victor Cousin in his "Philosophy of History," and by his successor in the chair of moral philosophy, the late M. Jouffroy, whose discourses "Du Droit Naturel,"—"Du Bien et du Mal,"—"Du Probleme de la Destinée Humaine,"—and "Comment les Dogmes Finissent," cannot be too carefully studied. In the course of my labours, especially when treating of the era of Wycliffe, I have more or less availed myself of the doctrines inculcated by these great investigators of the springs of human actions, manifested to us in the form of national wants. These wants arise spontaneously, and fatally induce the different phases which society, during the progress of civilization, is doomed to undergo.

### § 3. THE RECTORS OF ASHTON.

The names of these rectors, taken from Vernon's extracts, are as follows:—

| A.D.  | NAMES.                         | PAGE. |
|-------|--------------------------------|-------|
| 1305. | Nicholas de Ardena ....        | 77    |
| —?    | Adamus de Ardena .....         | 95    |
| 1324. | Symon de Barnesley .....       | 95    |
| 1351. | Thomas de Rodeford .....       | 105   |
| 1362. | Thomas, son of Thomas del Wyke | 109   |
| 1371. | Thomas la Warre .....          | 111   |
| 1373. | Jo. de Marchford .....         | 112   |
| 1374. | Henry Nettleworth .....        | 112   |

I have no additional remarks to offer on this list

except that the entry of John de Marchford [see page 112] is said to be as follows:—

1 Nov 1373 Johannes de Marcheford instituted to the Rectory of Ashton under lyne per resignationem magistri Thome la Warre ultimi rectoris. John la Warre Patronus.

#### § 4. THE CHAPLAINS AND OTHER CLERKS OF MANCHESTER.

The chaplains whose names transpire in the course of these researches may now be collected, and, in addition to these, others have occurred, which are inserted in italics:—

|                  |   |     |
|------------------|---|-----|
| A.D. 1166-82(?). | <i>Richard</i> , chaplain of Albert Greslet [ <i>Juvenis</i> ?] ..... |     |
|                  | <i>Robert</i> , chaplain of Maincestre ...                            |     |
|                  | <i>Jurdanus</i> , clerk of the same vill                              |     |
| 1227 (?).        | Aca, incumbent of Saint Matthew's, or Grelle's Chauntry ...           | 39  |
| 1235.            | Jurdan, Capellanus .....  | 52  |
| 1306.            | Capellanus, Galfridi de Manchester (perhaps a sub-dean) .....         | 76  |
| 1315.            | <i>John de Leia</i> , clerk .....                                     |     |
| 1316.            | John de Ardena ... }  |     |
|                  | Hugh de Mylnegates .....  | 88  |
| 1342.            | Richard of the Mylnegate .....  |     |
|                  | Richard Braybon .....   |     |
|                  | Adam Longholt .....   |     |
|                  | Robert Bibby .....  |     |
|                  | John de Battersby ... }   |     |
| 1361-5.          | Galfridus de Bexwyk .....   | 109 |
|                  | Roger de Mamcestr ... }   |     |
| Without date(?). | Willielmus clericus de Bexwyck ...                                    | 109 |
| About 1405.      | John Fawkes .....   |     |
|                  | Roger de Mamcestr ... }   | 123 |

Upon this list I have not many additional remarks to make.

#### (a) *Chaplains of the time of Albert Greslet* [*Juvenis*?]—[See page 21.]

In the Coucher Book, or chartulary of Whalley Abbey, published under the very able editorship of W. A. Hulton, Esq. [vol. i, p. 40], is a gift of a fourth part of the church of Eccles by Albert Greslet to William, clerk of Eccles. Among the witnesses to this deed, are Richard, the chaplain of the same Albert, Gilbert a chaplain, Robert, chaplain of Maincestre, Jurdanus, clerk of the same vill, and others.

#### (b) *John de Leia, a Clerk* (?).

I find from Baines's Lancashire [vol. iv, p. 825], that, about the 9th of Edward the Second (1315-6), a John de Leia, clerk, is mentioned in a Manchester deed without date. But it is not quite evident that he was a chaplain of Manchester, although most probably so.—[See Baines's Lancashire, vol. iv, p. 825.]

#### (c) 1361-5. *Galfridus de Bexwyke, clerk.* [See page 109.]

This is one of the earliest occasions upon which the honoured name of Bexwyke, eminent among the families who were benefactors of Manchester, meets with mention;—for which reason some little account of his descent may be appended.

In the 35th of Edward the Third (1362-3), there was living a Galfridus de Bexwyke, who was wedded to a daughter of Thurstan Holland de Denton. The issue of this marriage was a Thurstan de Bexwyke, also living in the same year, as well as Galfrid de Bexwyke, clerk, whose name likewise occurs in a deed of the 38th of Edward the Third.

In the 6th year of Henry the Fourth (1404-5), we likewise find a Richard de Bexwyke, clerk, attesting a deed at Middleton. It does not appear that he was a chaplain of Manchester, but perhaps of some neighbouring church. He was probably a younger son of Thurstan de Bexwyke;—but the exact relationship does not transpire.

### CHAPTER IV.

#### REMARKS ON THE DOCUMENTS RELATIVE TO THE COLLEGIATING OF THE ANCIENT PARISH CHURCH OF MANCHESTER.

The date of these documents is from 1421 to 1423. They are given in the following general order:—

|  | PAGE.       |
|--|-------------|
| 1. The royal license of foundation .....                               | 143         |
| 2. The consent of the parishioners of Manchester to the foundation ... | 150         |
| 3. The charter of foundation .....                                     | 153         |
| 4. The confirmations of the charter by various interests .....         | 169 et seq. |
| 5. The deeds of infeftment to the college .....                        | 170 et seq. |

#### § 1. STATE OF THE DOCUMENTS.

These documents are from 1421-3. They have their words written in the most abbreviated form, compared with which the later charters of Mary, Elizabeth, and Charles the First, sink into insignificance. But the difficulty of interpretation therein arising would have been little formidable, except for the faded state of some portion of the documents, by which, from time and friction, they are occasionally rendered almost illegible. This is particularly the case in the petition of the parishioners of Manchester to the bishop of Lichfield, and

in too great a share of the lengthy charter of foundation. Owing to this co-operation of causes, nothing more than fragments of the voluminous deeds connected with the foundation of the Manchester college, have hitherto been deciphered and published.

How far I have myself succeeded, may be dubious. Although no time nor labour have been spared to present the documents in a correct state, I am still by no means satisfied with what has been achieved. It had ever been my intention from the time when I was advised that English translations would be acceptable, to complete this task as literally as possible, so that in the course of my labour, I might the better detect any abbreviated or faded words to which I might have given incorrect interpretations, preparatory to the final, or ultimate reference which I had intended to make to the manuscripts themselves, in resolution of any doubts or difficulties.

But this opportunity of consultation and revision I was not entitled to possess. Party disputes in the parish of Manchester had commenced, and the muniment chest of the college was considered as closed.

Yet in justice to the chapter house, from the members of whom I have to ever acknowledge the most gentlemanly and unostentatious kindness, I would add my firm conviction, that if I could have been induced to make a request for a final revision of my transcripts, it would not have been refused me.

In the meanwhile,—should health and life be spared me,—I wait for happier circumstances to include in my second book, or “livraison,” any errata which may appear, upon a closing reference being made to the original documents.

I must, however, decidedly state, that I am not aware of any mistakes into which I may have fallen of so serious an amount, as to affect the general sense of any clause whatever of the documents now published.

## § 2. MODE OF PRINTING THE DOCUMENTS.

Regarding the mode in which the documents are printed, four forms presented themselves to me for my choice:—

The first was to print the documents verbatim et literatim, with all their marks of abbreviation,—a plan adopted in certain of the parliamentary records edited by the Reverend Joseph Hunter, and in which the late Mr. Hodgson has well succeeded in his history of Northumberland,—a plan also made instrumental to the striking fidelity with which the Banatyne and Maitland clubs of

Scotland have printed various chartularies. This mode has in Manchester been lately adopted by Mr. Wheeler in his publication of the charter of Charles the First. The objection, however, on the present occasion, is the far greater variety of “Doomsday type” required in printing documents of the fifteenth than of the seventeenth century, and the corresponding expense of the same,—an expense which is scarcely justified by the few charters given in the present work.

A second mode was to print the documents after the perspicuous manner adopted by Mr. Hulton in editing the “Coucher Book of Whalley,” wherein a limited number only of the abbreviating marks are retained, yet where the ancient orthography is preserved.

A third mode was to print the words without any contractions or marks of abbreviation whatever, yet in point of orthography to preserve the archaic form, as for instance, in avoiding the use of diphthongs, in the frequent substitution of *c* for *t*, &c., &c. This is the plan adopted by the Archaeological Society of Dublin, to which, notwithstanding my greater partiality to the first mentioned plan, I have for various reasons given a preference in this work.

While a fourth plan was to modernize all the words, agreeably to the orthography of the present day used in printing latin authors.

Each mode has no doubt its particular recommendation.

## § 3. THE TRANSLATIONS RENDERED.

With regard to the translations rendered, I have been as literal as documents of the fifteenth century, remarkable for the complication of their structure, would allow me. For, from some cause or other, hitherto unexplained, this complication of structure rapidly disappears in deeds a century later, of the date of Henry the Eighth.

I may have the most erred from my ignorance of the technicalities of many English law terms, and the deprivation which I have sustained by the long sickness of a near friend, whom I have formerly consulted on such occasions.

In short, the whole of my labour, whether in copying or translating, I have subjected to a severe process of investigation. Richard Hadelsay, clerk of York [see page 166], was unquestionably a man of more than common erudition, familiar with the most approved formulas of chartularies then in use both in England and on the continent, to which the verbose, conceited, and otherwise ill written confirmation deeds of David Pryce, archdeacon of Chester [see page 168 and 177], may present a striking contrast.

## § 4. THE WORKS CONSULTED.

In copying and translating these various documents, I have spared no possible pains to render them intelligible. It would be superfluous, and even pedantic, to enumerate the divers sources of information to which I have resorted whenever I was doubtful of the sense, or true meaning of the manuscripts, but I may perhaps be allowed to mention, that, *inter alia*, I have derived the most valuable aid from the volumes of the late Mr. Hodgson's history of Northumberland, where there is a perfect profusion of chartularies, which are rendered doubly instructive by the conservation in all the words of marks of abbreviation, aided by an admirable key illustrating their various powers;—and, in the second place, from the rare, splendid, and costly *Lexicon diplomaticum* of Walther, published at Ulm in 1756, of which I fortunately possess a copy.

Nor have Ducange, Carpentier, Schilter, or Wachter, particularly the two first mentioned authors, been less consulted. With the aid of these lexicographers, as well as that of various other writers, it had been my intention to have added a short glossary;—but, until I have a better confidence in the fidelity of every word published in my transcripts, such a glossary may be conveniently postponed.

## § 5. NOTES ON A FEW OF THE TERMS OCCURRING IN THE DOCUMENTS.

On the present occasion I have little to add, in the form of additions or corrections, to the publication of the documents connected with the collating of the parish church of Manchester.

## (1.) THOMAS LA WARRE, DEFORCIANTEM, ETC.

See the Royal License of Foundation, page 146, first column, and in the sixth MS. line.

This obsolete English law term, "deforcians" (still, I believe, used in Scotland), occurs in an abbreviated form in a sentence of very complex structure. It has thus given rise to a false reading, which I have corrected in the present copy and translation; but not before I had fallen into the error of my predecessors in speaking of "deforcing a levy" [see page 125],—a term unknown in ancient law deeds.

## (2.) COMMOMENTES.

This word occurs in the second column of page 154, and in the twenty-second line.

But whether the word is really "commoventes," or not, I may be allowed to express some little doubt. In my first reading and copying of the word (whatever it might be), I had assuredly made a blunder. I then altered it into "commoventes," from the indications afforded me by the forms of certain of the letters. This word I have translated into "removing," or diverting. But whatever the letters may actually be, no possible objection can attach to the general meaning which I have given, sanctioned as it is by the import of the context.

## (3.) IN FORMA JURIS JURATIS.

Occurring in page 161, first column, and sixty-ninth MS. line.

The phrase means simply *being sworn in the form of law*. But as I believed a jury was actually created to try the allegation of ancient abuses having been committed by patrons and rectors, on the strength of divers writings, munimenta, &c.,—I too easily chimed in with the notion, and translated the phrase *being sworn in the form of a jury*.—But after all, did I really misrepresent the idea intended to be conveyed?

## (4.) "THE CONVENTION OR CHAPTER," ETC.

See my translation of the word *conventus* in page 169, second column, eighth line.

If I avoided using the word "convent," or "covent," as old writers would say,—it is because *conventus* was, in this instance, made synonymous with a capitular body or chapter, whence the term *convention* was rather suggested.

## (5.) THE BULL OKE.

The occurrence of this English word [see page 171 and the first line of page 172] reminds us of an amusing discussion which took place a few years ago among the Dryadists of Cheshire and Lancashire, relative to the origin of the term "Bullocksmithy,"—the name of a manufacturing town adjoining Stockport.

The opinion generally entertained was, that the name had its derivation from a smithy for bullocks!!! But who, in the name of wonder, ever heard of a smithy for bullocks? The gentry proposed, therefore, to change the unaristocratical name of their ancient town for some such romantic term as "Hazel Grove."

But Thomas la Warre's infelicitous of lands near "The Bull Oke," opposite the north gate of Manchester church, solves all the difficulty. Bullocksmithy means nothing more than *the smithy hard by the bull-oak*.—[See page 170, where the Manchester Bull Oke is explained.]

If the "Hazel Grove" authorities had merely preserved the name of "The BULL OAK," or had contented themselves with THE OAK without THE BULL, naming their site simply OAKTOWN or OAKVILL (for there is an Oakham in Rutland), they would at least have been faithful to nomenclature as well as to history,—regarding which there can be "no mistake!"

## (6.) OSTIUM.—[SEE PAGE 171, FIRST COLUMN AND SEVENTH MS. LINE.]

I am not certain if the word should not have been *portum*. As I have explained, the details of Thomas la Warre's grant are repeated in two subsequent deeds.—[See page 174 and 176.] In the two later ones, the word is certainly *ostium*.

## (7.) FORERE.

A puzzling word is *FORERE*,—a technical expression applied to a certain piece of land, named "The Acres," near a certain highway leading to Old Trafford.—[See the first column of page 171, and the thirty-fourth line; also page 172, second column, twenty-sixth line.]—"In oppositum cujusdam forere dicti campi vocati les accres," &c. i.e., opposite to a certain *forere* [headland] of the said field, called *les Accres*, &c.

In translating *forere*, *headland*, I attached to the word a Saxon signification, such as we find in the word *fore-wunt*, a projecting mount or promontory. Hence I conceived, that *forere* might mean "headland,"—a term occurring in ancient deeds, and applied to the upper part

of such arable ground as was left (among other uses) for the turning of the plough. This "headland" was often a space of no little extent. When there existed comparatively few fences or hedges in England, and when a tract of land was liable to be tilled after the Scottish manner of "runrig," by many small tenants conjointly, who would introduce at one and the same time a squadron of yoked oxen and bullocks into the arable land, a large vacant space of ground was not only devoted to the turning of the numerous ploughs simultaneously going on,—as, for instance, on Plough Monday,—but likewise for the occasional pasturage of the beasts thus employed, while resting, at intervals, from their severe drudgery:—the correctness of which description may be illustrated by many ancient paintings, drawings, or prints.

Ducange, however, has shewn that the word "foraria," or "foraria," had a very different meaning,—importing "officium forerri seu metatoris hospitiorum." As it was difficult, if not impossible, to attach this meaning to the Manchester "forere," I consequently took refuge in a Saxon etymology.

But Carpentier, as I have since discovered, while he admits the correctness of Ducange's explanation in reference to the quotations actually cited by him, states that the obsolete French word "foriere" had still another meaning, namely, to indicate *pasture land*,—in proof of which he cites the following, from a charter of 1296:—"Item — quinque solidos super foreria bubulcorum;"—a second from a chartulary of 1245:—"une foriere de pré;"—and a third from one of 1306:—"chiunc journeus, ou la entour: que de fries, que de Forieres, ke de terres, que de voies."—[Carp. in voce Foreria.]

After these citations, the reader may suit his own taste and inclination, either by adopting a Saxon or an Anglo-Norman meaning to the Manchester "Forere,"—situated near "The Highway to Old Trafford," and leading to the present Hulme fields. It may also be asked,—if, by the term "foreria bubulcorum," cited by Carpentier, the old Saxon headland might not have been implied?

favour of the descendants of his half sister, Joanna, who had married Thomas, the third Baron West.—[See page 125.]

The true heir, however, of Thomas, Lord la Warre, was to be sought for among the descendants of Catherine, daughter of John la Warre,—which John had predeceased his father of the same name, who was the ninth baron of Manchester.—[See pages 99 and 125.]

The said Catherine la Warre had married Sir Warine Latimer, of Braybroke, by whom she had three sons, John, Thomas, and Edward, who severally died without issue, and, along with them, a daughter, Elizabeth, wedded to Sir Thomas Griffin,—the heir of which union was Richard Griffin, who married Ann, daughter of Richard Chamberlain, Esq., leaving issue—

(a) John Griffin, Esq., heir to his great uncle, the Lord Latimer, and heir general of the lands of Thomas la Warre. He died *sine prole*.

(b) Sir Nicholas Griffin, of Braybroke; married to Catherine, daughter of John Curson, Esq., who was served heir to his brother John.

But we are informed, that in the 6th of Henry the Sixth, Sir Nicholas Griffin, then thirty-eight years of age, executed a release of the lands held by Thomas la Warre, whence Sir Reginald, the fifth Baron West, became incontestable heir to the estates of the barony of Manchester.

The family of West thus succeeded to the Greslets and the La Warres.

After this explanation, I shall describe certain events which occurred during the baronial sway of the Wests, connected with the foundation of the college.

## CHAPTER V.

### CERTAIN EVENTS CONNECTED WITH THE FOUNDATION OF THE COLLEGE, SUBSEQUENT TO THE DEMISE OF THOMAS, LORD LA WARRE.

Under a distinct chapter I propose to include certain events occurring subsequent to the demise of Thomas, Lord la Warre, which associate themselves with the history of the first foundation of the college, rather than with the annals of the wardens thereof.

These are referable to the period when the Wests held the barony of Manchester,—when the civic interests of the town were ruled by a new race of lords, whose influence, however, owing to various causes, was evidently on the decline.

Of this new race a very brief notice is all which is at present necessary.

It has been shewn that one of the Griffin family having been the heir general of the lands of Thomas, Lord la Warre, this lord had levied a fine in

### § 1. CONCLUDING NOTICES OF CARDINAL LANGLEY (BISHOP OF DURHAM), WHO AIDED IN THE FOUNDATION OF THE COLLEGE.

Before this history is brought to a close, it would be unpardonable to lose sight of a personage to whom the religious interests of Manchester became so much indebted.

On the death of Henry the Fifth (1422), Cardinal Langley was appointed feoffee of the king's will. Soon afterwards, at the request of the parliament, he resumed the seals.

This very munificent churchman was a great favourer of learning. He is recorded to have been one of the first poets of his age. His epigrams were inscribed to the bishop of Norwich, and have been republished with commentaries by Blake. He wrote a book "*De Variis Carminibus*," as well as several works on pontifical law and jurisprudence. The public encouragement which he



gave to learning is extraordinary. He founded two schools at the Palace Green of Durham,—the one for grammar, and the other for plain song. Amidst the legacies which he left to various public libraries, as at Oxford, Cambridge, Durham, Leicester, and York, it is added that the college of Manchester received from him a donation of books. He died November 20th, 1437, and was buried at Durham within his own chantry in the Galilee.

§ 2. NOTICE OF WILLIAM HEIORTH, BISHOP OF LICHFIELD, WHO SANCTIONED THE ERECTION OF THE COLLEGE OF MANCHESTER.

William Heiorth, bishop of Lichfield, was another signal promoter of the college of Manchester. This prelate will ever be commemorated in the annals of Lichfield, for the bequests which he made for the support of the indigent, and for his contributions to the improvements of the beautiful cathedral of this city. He died in the year 1446.

§ 3. THE BEQUESTS OF WHICH THOMAS LA WARRE'S FOUNDATION WAS THE FORERUNNER.

In the second book, or memoir, of this supplementary volume, it will be pointed out, that other munificent bequests succeeded to the endowments of Thomas, Lord la Warre, as, for instance, the munificent sums expended towards the erection of a new collegiate church and other buildings, and the foundations of six chauntries, in addition to the one or two which had previously existed.

In the year 1527 (as will be shewn hereafter), the staff of collegiate functionaries was formally declared to consist of ONE WARDEN, EIGHT VICARS, FOUR DEACONS, SIX CHORISTERS, TWO PARISH

CLERKS—[that is, real clerks, or clergymen, who assisted the officiating priest,—see Hook in voce Clerk], and ONE BELLMAN!

§ 4. CONCLUSION.

But it is now time to draw to a conclusion.

While investigating the history of the ancient parish church of Manchester, the question has, I trust, been answered, "Why was it collegiated?"

But a reply could not have been given, if I had not mingled with ecclesiastical annals so much of the civil history of the locality as relates to the barons, who were the ancient patrons of the church of Manchester, and to the charters conceded to an impatient and dissatisfied population, consisting of the various grades of villeins, bondage tenants, and yeomen, who sought to exchange their feudal restraints for the free occupation of burgage tenements, whereby the fruits of their commercial industry might be secured to them unfettered by feudal impositions,—and where they might choose their own magistrates, and be governed by a just and salutary system of municipal laws. Under the influence of such civil reforms, by means of which the population of the parish had greatly increased, still newer wants of the human mind sprang up, which were less of a worldly than of a spiritual nature and complexion. The rectors of Manchester, instead of administering to Divine worship and to the cure of souls, were employed in secular affairs, either of the state, or of their patrons,—the temporalities of the benefice thus abused by them, having been diverted from their original use and destination. This great evil was sought to be remedied by collegiating the destitute and hitherto neglected parish church of Manchester.

That the college, thus formed, may ever continue a blessing to the community of Manchester, is the sincere prayer of the Author.

## NOTICE.

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It is my object (under the head of a notice) to express the obligations which I have been under to various individuals.

In this history,—by the aid of such an accession of inedited documents as have rendered it advisable that the earlier portion of the former published history should be written over again,—the Parish Church of Manchester has been traced from the period of its original Saxon endowment, to the time when, by a later benefactor, Thomas la Warre, it was farther gifted and collegiate. In elucidating this change of constitution by copies and translations of numerous deeds, &c., existing within the muniment chest of the Chapter House, it is evident from my Preface, that, so long as ten years ago, I had to acknowledge the aid which I derived from THE REVEREND CANON WEAY, who was the first means of rendering these stores of information accessible to me.

And with no less gratitude would I speak of the services rendered to me by CANON PARKINSON; but as these relate to the newer charters granted to the College, and to later documents in his private possession, they connect themselves with the second, rather than with the first portion, or livraison, of this supplementary history. I shall, therefore, reserve my acknowledgments to this gentleman (and these are for favours of no ordinary amount), until I shall have printed my NOTES AND ADDITIONS TO THE HISTORY OF THE WARDENS OF MANCHESTER.

And in a corresponding manner would I express myself of the REV. F. R. RAINES, M.A., of Milnrow Parsonage, Rochdale, who will, however, see that even in the present memoir I have not neglected to avail myself of some few of the numerous contributions which he has sent me, intended to be published hereafter.

The names of other gentlemen, to whom I have felt indebted, are

GEORGE ORMEROD, Esq., LL.D., F.R.S., &c., of Sedbury Park, Gloucestershire, the historian of Cheshire. His most liberal contributions will be found everywhere interspersed throughout the work, and in page 189 they are particularly specified:—

MR. HARLAND, who has ably edited extracts from the municipal documents in the possession of the Mayor and Corporation of Manchester. His public labours I have explained in page 187;—

And an old and most valued antiquarian friend, CAPTAIN EDWARD JONES, of the Royal Lancaster Militia.

To this list I wish that I were permitted to add the name of a very kind correspondent, to whose disinterested communications I feel an obligation of no common kind.

Throughout the work there are numerous wood cuts, the drawings of which I owe to the young artists of my own family, who, I believe, have executed them with strict fidelity. The three seals of the great charter of foundation, figured in pages 165, 169, and 178, are from drawings made by a late lamented daughter, at the time when this important document was intrusted to me while residing at York. All the other drawings of seals and relics are by my son, Mr. R. G. Hibbert-Ware, of Queen's College, Cambridge,—the large sketch of the Cave of Ordeshal alone excepted, which, as I have explained [see page 17\*], was by another member of my family, my eldest son.

That this history has not been drawn up without a consultation of every book and manuscript within my reach calculated to throw light upon it, will be evident by the numerous references which are given. Yet it would be doing an injustice to at least two authors, if I did not allude to them in a more particular manner.

Of these, is the learned author of the "*Histoire de la Civilisation en France*." The enlightened views which GUIZOT has taken of the civil and ecclesiastical state of western Europe during chivalric and feudal times, have more or less influenced me in the colouring or version which I have given to many of the baronial, municipal, or parochial incidents of this local history. I have adverted to this

author on numerous occasions, and, perhaps, in one or two instances, may have detected myself inadvertently adopting his views without due acknowledgment,—as, for instance, when alluding, in page 25, to the moral cause which led to the spirit of crusading—But it is never too late to acknowledge an omission.

There is again another recent author who has imparted me information not to be surpassed by any other writer:—I allude to THE REVEREND M. A. TIERNEY, in his republication of Dodd's "Roman Catholic History of England," not yet completed. Of Dodd's work I would express no opinion. The value of the volumes now in the course of publication attaches itself to Mr. Tierney's copious notes and addenda. The information which he has collected, alike from Roman Catholic and Protestant writers, from State documents, and from inedited manuscripts, is immense, and not to be found in any other ecclesiastical history with which I am acquainted. Nor is it the least of Mr. Tierney's recommendations to myself, that a more honest chronicler of ecclesiastical events, even where neutrality is least to be expected, it has never been my happiness to consult. In no instance does he appear to have compromised his own tenets; yet he has never once been induced to spare even his own communion, whenever it has been found to lend itself, during turbulent times, to the purposes of injustice, intolerance, or persecution. In every page his comments point to the great truth, that charity and forbearance are essential to the healthy state of all communities whatsoever of the Faithful in Christ.

It, lastly, behoves me to say a few words regarding the occasional information which has transpired within these few months, in the course of the paper war now carried on, relative to the sense in which certain provisions of the last, and even preceding charters of the College, ought to be understood.

While I deeply lament the circumstances under which the dispute is now carried on, it is impossible but to admire the extent of learning and research exhibited by combatants on both sides,—reminding us of the good old polemical era of Elizabeth, James the First, or Queen Anne, except that the present dispute is carried on with a moderation of temper unknown to the zealots of the olden time.

These discussions have appeared either in the pages of the *Manchester Courier* and *Manchester Guardian*, or in the separate form of pamphlets. Among the authors may be particularly enumerated—

HUNTER GORDON, Esq., of Lincoln's Inn;

The Author of a "Reply of the Association for Promoting a Reform in the Ecclesiastical Provision for the Parish of Manchester," &c.;

THOMAS TURNER, Esq., Barrister-at-Law, of Saint Leonards, Sussex; and

THOMAS WHEELER, Esq., S.C.L., Barrister-at-Law, the editor and translator of the *Foundation Charter of the College by Charles the First*.

Of the historical information thus conveyed, I shall on every suitable occasion hereafter avail myself. But with regard to the subject itself of discussion, I have determined, for obvious reasons, as explained in my Preface, to observe the strictest neutrality. This history, to the rejection of the real question in dispute, will close with the demise of DR. HERBERT; with the induction of his worthy successor in the office of Dean; and with the elevation of Manchester to the rank of an Episcopal See.

S. H. W.

# INDEX.

- ACA**, first incumbent of Saint Matthew's, or Grelle's Chapel; land gifted to him, and a fair named from him, 39-40.
- Acresfield**, also named "The Four Acres," 39.
- Advowson of Manchester**; a wife presents on the death of her husband, 103; advowson surrendered to the college, 170-6, and cause unexplained why it returned to the lord of the manor, 178.
- Alport**, why so named, 3; described, 31; wood of, 57.
- **Nether**, land gifted to the college, 170-2.
- Appropriation of benefices**, how introduced, 55; set enforcing performance of parochial duties, 135; secured in the royal license of foundation in Manchester, 144-5, and the different parties whose consent to it was required, 149; definition of appropriation from Plowden, 175; at first a complete one in Manchester, but afterwards incomplete, 176.
- Archdeacon and Archdeaconry of Chester**; origin of the office, 23; Manchester comprehended in the archdeaconry of Chester, 23; consent for the collegiate of the church of Manchester required from him, 153; he appoints procurators, 159-60; charter is confirmed by him, 169, 177.
- Ardema**, Adam de, rector of Ashton, 68.
- **John de**, chaplain of Manchester, 68.
- Ardema**, Nicholas de, rector of Ashton, 77.
- Ashton-under-Lyne**, an infestation of the barony of Manchester, and confounded with Ormeston, 41-2, 67; supposed mistake in the name of one of the Ashtons, 42; origin of the term *under line* or *lyne*, 51; its chapel united to that of Manchester, 68; how much taxed in the valor, 68; the subinfeudment under a Kirkby and Ashton, 67, 77; value of the living, 77, 95; advowson separated from the manor, 77; Jerusalem land, 95; a free warren obtained, 101; state of its infestation, 101, and Thomas la Warre's deed relative to it, 126-7; rectors, 77, 95, 105, 109, 111, 112.
- Auncell**, William, a cofessor with the bishop of Durham in Thomas la Warre's infestation, 125-6; his demise, 144.
- Barnesley**, Simon de, rector of Ashton, 95.
- Barony of Manchester**, its upper and lower bailiwicks, 33, functions of grith sergeant and bailiffs, 34, the lord's court, 34, halmotes and judicial localities, 34, judge's service explained, 34-5; subordination to sheriff's jurisdiction, 35; privileges and functions of the court baron, 67, 71, 74, 76; survey of the barony, 93-4; documents which substantiate illustrative of the history of the barony, 181.
- Baron's Hull**, naturally fortified and conjectures by whom it was first occupied, 31; gift of it to the college, 170-2.
- Barton**, John, a procurator, 157.
- Battersby**, John de, chaplain of Manchester, 100.
- Benefice of Manchester**, placed under Peter Greslet's wardenship, 60, taxation of it by Pope Nicholas, 68, and its value in 1322, 84.—[*See also Endowment.*]
- Bexwyck**, family of and descent, 109, 194.
- **Galfritus de**, chaplain, 109, 194.
- Bibby**, Robert, chaplain of Manchester, 100, 194.
- Bondage lands of the manor of Manchester**, originally cultivated by villeins, and the character of the tenures, 62; how villeins were advanced in the social scale by becoming bondage tenants, 61; bondage tenants of the manor of Manchester, 67; required for the wars, 69.
- Booth**, Thomas del, his descent, &c., 109; builds a chapel and bridge at Salford, 110; his attachment to school education, 110; his will, 110-1.
- Borough of Manchester**, origin of term, 44; when the name was acquired, 62-3, and why, 67; Manchester becomes a chartered and free borough, 70; the statutes and other advantages secured by the charter, 70-6; free burgesses described, 72; burgage tenures, nature and laws of inheritance, 73; commerce encouraged by the charter, 73; municipal laws, 73-6; moveable chattels, laws of, 73; knights, priests, or clerks not exempted from arrest for debt, 72, 75; talliages required, 76; land subject to the law of mortmain, 77; witnesses to the charter granted, 76; borough privileges disputed by Henry, Duke of Lancaster, 107-8; borough not advanced to the rank of a municipal corporation, 123.
- Braybon**, Richard, chaplain of Manchester, 100.
- Brykelowe**, William, a procurator, 158.
- Bulle oke**, the, 170-2, 196.
- Burun**, Hugo de, his descent; he becomes a Cluniac monk of Lenton, 169; retires to a cell at Kernall, 179.
- Chaplains of Manchester**, list of them recorded, 194.
- Chapel**, Grelle's, &c., 39.—[*See Chantry.*]
- Chantry**, Grelle's, and another one, 81-2.
- Chester**, Earls of, **RANULF MESCHINES**, the third earl, succeeds to the honour of Lancaster, and is possessed of divers lands, 8.—**RANULPH GERMONS**, the fourth earl, possessed of Salford town and wapentake, 16; his life and acts; he founds the cell at Kernall, 17; his death, 18.—**RANULPH DE BLUNDEVILLE**, the sixth earl; his arms, descent, and estates, 42; resists the papal power, 42-3; grants a charter to the town of Salford, 43; his farther exploits and demise, 47, 51-2; is succeeded by William de Ferrara, 51-2.
- Claydon**, John de, rector of Manchester, acquires leave of absence, 96-7, 193.
- Clifford**, Sir Lewis, marries Eleanor la Warre; has temporary ward of John la Warre's estates and presents Thomas la Warre to the living of Ashton, 111; attached to the principles of Wycliffe, 114, 118; presents a petition of the Lollards to the king and is reprimanded, 122; his dying charge, 124.

- Cluniac monks of Kersall, origin of their order, 10; their excellent discipline, 28-9; how affected by the act *De exportatis religiosorum*, 78; their monasteries seized, 97; released from their obedience to the foreign abbot of Clugni, 127-8.—[*See Kersall.*]
- College of Manchester, formation of; motives for collegiate the parish church, 129-33; the description of college meditated by Thomas la Warre, 134-6; its efficiency considered, 137-43; a royal license procured for it, 143-8; petition of the churchwardens for its foundation, 150-2; the charter of foundation generally described, 153; its grant dependant on the prior and chapter of Coventry, the archdeacon of Chester, and the bishop of Lichfield in convocation, 153; premises of the charter, 154-7; procurators appointed, 157-9; a commissary, or commissaries, to be chosen, 157, 159; the contumacy of certain persons proclaimed, 160-1; the charter of foundation declared by the bishop of the diocese, 162-5; confirmed by the prior and chapter of Coventry, 169; and by the archdeacon of Chester, 168-9, 177-8; but doubtful if confirmed by the pope, 179; the laws framed for the government of the college, 167.—General remarks on the documents now published concerning the collegiate of the parish church of Manchester, 184.
- Coventry, prior and chapter of, sit in convocation over the charter of foundation, 153; appoint procurators, 157; confirm the charter, 169.
- Crosseby, Richard, prior of Coventry, 153, 157, 169.
- Crussing spirit at Manchester, ancient stone sculpture of a crusader, and Elias the giant of Worsley, 25.
- Danes, deface Manchester and levy the Dane-geld, 4; the geld exacted from the Manchester church in Norman times, 9; but relieved from it by Stephen, 16.
- Dean rural, is identified with the archpriest, such, for example, as in England collected the *Decime Saladinide*, 22-3; what the office of the dean rural originally was, 27; he does not appear in England until the eleventh century, 27-8; the first recorded dean of Manchester was in the time of Richard the Second, 25°; the parishes comprised in the united deanery of Manchester and Blackburne, 28; the two offices of rector and dean rural of Manchester not united as Whittaker supposed, 28, 52-3; a dean of Manchester recorded by Hollinworth, 52; the deanery of Manchester and Blackburne comprised within the archdeaconry of Chester, 52; the dean has under him a sub-dean and apparitors, 52; the dean how instituted, 53; his supervision, testamentary duties, and coercive power over the religious and moral state of the laity, also over the lives and manners of the clergy, 53; he protects the temporalities of the church, 54; the jurisdiction of deans rural in rural chapters, or rural courts Christian, and their subordination to decanal synods explained, 54-5; the jurisdiction voluntary, or contentious, 54-5; the punishments inflicted, 55; the inquisitions held on vacant benefices, in the question of appropriations, &c., 55; constitution of decanal synods, 55; how deans rural were reimbursed, 55-6; deans were employed in the pope's valor, 59; the unpopularity of deans rural and their courts, occasioned by lax conduct and their being employed as tax gatherers, 64; the united deanery of Manchester and Blackburne at the close of the thirteenth century, 68; a dean and sub-dean of Manchester mentioned, 76; farther causes of the decline of the office of deans, 91-3; an exception made to the archdeaconry of Chester, where the deans continued in some degree effective, 92-3; they there held their offices for life, 93; the deanery of Manchester separated from that of Blackburne by a new decanal parishes, 99; Thomas la Warre inferred to be both rector and dean rural, 129; the possibility that this inference may in some degree be incorrect, 189; the dean of Manchester, by the seal of the deanery of Manchester, consents to the collegiate of the parish church, agreeably to the petition of the parishioners, 149-52; list of such of the deans rural of Manchester as are recorded, 188.
- Denegate, street so named from a dene, or narrow valley, and not from a dean rural, 25°, 31.
- Dennis, Saint, the newer church first built on the Baron's Hall dedicated to, 112, 162.—[*See also Saint George.*]
- Didsbury Chapel, when built, 21.
- Diocese, in what, the Saxon church of Manchester was comprised, 4; also during the very early Norman period, 9, and in the twelfth century, 14, 23-4.
- Dore Abbey, where situated and by whom founded; its history, and why patronised by John la Warre, 88, 165; manor of Manchester alienated to the abbey, 86, and restored to John la Warre, 85; Thomas, the last of the Greslets, conjectured to have retired to it, 86, 166.
- Drungage, why so named, 7; characterises many tanneries near Manchester, 8; state of in the twelfth century, 24.
- Durham, Bishop of, and his cofeoffees are in trust for the estates of Thomas, Lord la Warre, 128, 143; they join in the petition to the king for the collegiate of the parish church of Manchester, 143; they confirm to John Huntyngdon, the first warden, the endowments of Thomas, Lord la Warre, 174-6; they appoint attorneys to surrender the devised lands, 176.—[*See also Langley, Thomas, Bishop of Durham.*]
- Endowments, Kirkmanshalme granted by an unknown Saxon thane, 5-6; Parsonage land gifted by Albert Greslet (Senex), 18-9, and where situated, 31; endowments by Thomas la Warre of five messuages and ten acres of land, 170-2; land with which Saint Matthew's, or Aca's, Chapel was endowed, 39.
- Fairs of Saint Michael, Saint Matthew, and Saint Mary, Manchester, 36-7; their general privileges, 38, 40-1.
- Fair of Saint Matthew, its origin, 36; when held, 37; its commercial importance, 37-8; supported by Robert Greslet, the fifth baron, and is chartered by the king, 38; why named Aca's, or Acca's, fair, 39; site described, 39; how the fair is proclaimed in modern times, 41; curious custom in the opening of it, 41.
- Fawkes, John, chaplain of Manchester, 123.
- Ffereby, Thomas, appointed a procurator, 157-8.
- Ffryth, Richard, a cofeoffee with the bishop of Durham, 125-6, and styled lord of the manor of Manchester, 144.
- Freeman, English, why so named, 94.
- Forere, alluded to in the endowment of Nether Alport, 171-2; the etymology inquired into, 196.
- George, Saint, the newer church built on the Baron's Hall dedicated to, conjointly with Saint Dennis, 112, 162.
- Gorton Green, certain lands in, gifted to the college, 170-2.
- Grandison, Otto de, instituted rector, 69-70; his descent, 70; difficulty attending his genealogy and error corrected, 192.
- Gresle's Chauntry, where it stood, 39; indented with Saint Matthew's Chapel and Aca's Chapel, 40, 81.
- Greslet, Albert, first baron, his descent, possessions, &c., 13.

- Greslet, Robert, second baron, to whom he held his lands; extent of his barony and how divided, 14-5; gift to Swineshead of a mill, and his demise, 15.
- , Albert (Senex), third baron, obtains by marriage part of Widness, 16; his gift of land to the church of Manchester, and where, 18-9; confirms to the monks of Swineshead a mill, 20; his infestments, demise, and heir, 20; has a younger brother Osbert, 17.
- , Albert (Juvenis), fourth baron, succeeds, 21; his infestments, 22; his marriage and demise, 22.
- , Robert, fifth baron, succeeds, 22; marries, 24; assists Richard the First in his Norman expedition, 24; rebels against John, 26<sup>o</sup>, 183; resides in Manchester, 30; his civil jurisdiction, 31-6; his issue and demise, 47, 57, 183.
- , Thomas, sixth baron, succeeds, 51; holds twelve knights' fees, 51; his military services, 56; has a grant of free warren, 57; the escheat of Horwich which ensued, 60; recovers his estates, 60; his demise, 60; the manor of Swineshead assigned to his wife, Christiana Ledet, as a dower, 183; his issue Robert, who dies, and Peter, a churchman, 60, 190; the king disputes his infestment to Peter in prejudice of a grandson Robert, who is the true heir, 60, 190.
- , Robert, seventh baron, succeeds his grandfather, 60; Edmund Crouchback his guardian, 63; is summoned to the wars, 183; marries Hawise de Burgh, 63, 183; favours the abbey of Stanlawe, 64, 184; his confirmation of land to the chapel of Dene, 64, 184; his demise, possessions, and descendants, 65, 184.
- , Thomas, eighth baron, has a guardian appointed to his infancy, 65; the feudal services required during his minority, 65-6; feudal state at this period, 66-7; his rights of patronage invaded by William de Marchia, 67-8; grants a charter to Manchester, making it a free borough, 70-6; makes a grant of the manor of Manchester, &c., to his sister Joan and John la Warre, her husband, 79; conjectured to have retired to Dore Abbey, 85, 186; his demise, 85, 185.
- , Peter, a churchman, second son of Thomas Greslet, the sixth baron, 60; fails in succeeding to the manor of Manchester and certain chapels, 61, 190; is appointed warden of the church of Manchester, 61; is afterwards rector of Manchester, 190.
- Hadelesay, Richard, notary of York, employed in drawing up the charter of foundation, 158, 160; his declaration to the correctness of the proceedings, 166.
- Halsall, Henry, archdeacon of Chester, when collated, 153; sits in convocation over the charter, 157, 160; appoints a procurator, 159; his death, 167.
- Hayward, Roger de, chaplain of Manchester, 123.
- Halworth, William, bishop of Lichfield and Coventry, his history previous to favouring the views of Thomas, Lord la Warre, in granting a charter of foundation, 133; his good acts, and demise, 198.—[See *Lichfield, Bishop of*.]
- Henege, John, a cofeoffee with the bishop of Durham in Thomas la Warre's infestment, 125-6, 143-4.
- Heton, the land at, which is gifted to the college, 170-2.
- Horewich, forest laws of, 57-8; is escheated, but restored, 60.
- Hugh of Manchester, is not a native of Manchester, but of Manchester in Warwickshire, 69, 188.
- Huntyngdon, John, rector of Ashton, made procurator by the prior and chapter of Coventry, 157; also by the archdeacon of Chester, 160; presented by Thomas, Lord la Warre, to the first wardenship, 172-4; his institution, 174; the lands and advowson appropriated to the college of Manchester are surrendered to him, 174-6.
- Ina, King of Wessex, and Ethelburga resident at Manchester, 3.
- Jordan, chaplain of Manchester, 52, 194.
- Kershall Cell, Hugo de Burun becomes a recluse of, 16<sup>o</sup>; cell is founded and endowed by Ranulph Gernons and attached to the Cluniac monks of Lenton, 17-8; confirmed by Henry the Second to the monastery of Lenton, 21; and again by King John, 26; Cluniac monks of, described, 28-9; and their litigation with the rector of Manchester, 29-30; the cell is prohibited sending taxes out of the kingdom to the abbot of Clugni, 78; is seized by Edward the Third, but restored, 97; monks are released from their obedience to the abbot of Clugni, 127-8; why the monks of Kershall were in favour, 134.
- Kirkman's Hulme granted by a Saxon thane to the two churches of Manchester, 5-6.
- Knute's, or Knott Mill, named from Canute, 4.
- Laghmote, of Salford, 49-50; of Manchester, 71; the ranks amenable to it, 72; its origin and object, 74; obligations of the burgesses to it and its distinct functions, 74; undertook emendations of the amize, 75; practice relative to frays, &c., 75.
- Lancaster, Honour of, under De Poictu, 6-7; in the time of Richard the First, 24; becomes an earldom, 56.—EDMUND CROUCHBACK by the acquisition of Robert de Ferrari's estates is made earl; the greatness of the house from this time, 63.—THOMAS, EARL OF, his revolt against the king and joined by all ranks, 69-90.—HENRY, EARL OF LANCASTER, has the estates of the Honour restored by a reversion of his brother's attainder, and is created duke of Lancaster with power of chancery, 96, 101; his possessions in the hundred of Salford, 107; disputes the privileges of the borough of Manchester, 107.—JOHN OF GAUNT succeeds to the dukedom and aids the attacks of Wycliffe against the pope's supremacy, 113; orders the mendicant friars to quit the duchy of Lancaster, 113; his power on the death of Edward the Third begins to decline, 114; his hostility towards the yeomen for seeking matrimonial alliances with the gentry, 117; he withdraws his favour from Wycliffe for his views relative to the Eucharist, 118; his son Henry of Bolinbroke is banished and he dies from grief, 122.
- Lancashire, disturbed state by the struggle for the representative system, 63; Scottish wars during Edward the First's reign, 78-9; much disturbed during the Wat Tyler period, 116.
- Langley, Thomas, bishop of Durham, his descent and history; is made cardinal, 126; his farther annals, 133; supports the collegiating of the parish church of Manchester as a remedy for the abuses of patronage, 133; his munificent acts, and his demise, 197.—[See also *Durham, Bishop of*.]
- Langton, Walter de, his descent and family, 68, 191; succeeds to William de Marchia in the living of Manchester, 68; is made high treasurer of England and bishop of Lichfield, 69; resigns his living at Manchester, 69; additional biographical notices of him, 191-2.
- Latimer, Sir John, a connexion of the La Warres, 118; reprimanded by the king for forwarding the petition of the Lollards, 122; his dying charge, 124.

- Leia, John de, chaplain of Manchester (?), 194.
- Lenton, Clunian abbey of, founded by William Peverell, 16; endowed by William Peverell the younger, 16<sup>o</sup>; the cell of Kersall confirmed to it by Henry the Second, 21, and by John, 26.
- License, royal for founding the college, 143-8.
- Lichfield, Bishop of, petition to from the parishes of Manchester, 180-2; he presides in convocation, 153, 156; appoints commissaries, 157-8; declares the charter of the foundation of the college, 161-5.—[*See Helworth, William.*]
- Lichfield, Dean and Chapter of, in convocation over the charter of foundation, 153; appoint a procurator, 158.
- Lollards, i.e. Wydiffeites, in Lancashire, 121; petition against church abuses, 121; various decrees against them, 123; dispersion of scriptures, 124; the statute framed against them *De Heretico comburendo*, 123; precepts issued to the sheriff of Lancaster against them, 126; many brought to the stake, 126.
- Longholt, Adam, a chaplain of Manchester, 100.
- Lord's day, edict in Manchester against assaults then committed, 75.
- Lumbard, Richard, parson of church of Holthys, a co-feoffee with the bishop of Durham, 126, 143.
- Manchestre, Roger de, chaplain of Manchester, 100.
- Mancession, or British Manchester, 1.
- Manerium, or Roman Manchester, 1, 30-1.
- Manchester, Saxon, or Manigomestre, originally at Alport, 3; destroyed by the Danes, 4; Manchestre built by Edward the Elder, 4; town removed to a more northern site, 5; its state in Anglo-Norman times, 30-1; its jurisdiction based on the Saxon principle of residence and mutual pledges, 32; privileges of soc, sac, &c., and modes of punishment, 33, 168; manorial rents, markets, mills, &c., 67; its charter, 73-76; its boundaries, mills, agricultural state, ferries, fisheries, markets, rental, and social state in 1322, 83-4; manor alienated to the abbey of Dore, 86; reverts to John la Ware, 95; manufactures introduced by the Flemings, 97; its increased trade, population, and social state in the fifteenth century, 129-32; documents relative to its municipal history lately acquired by the corporation of Manchester, 167.
- Maderere, Robert, a procurator, 159.
- Marchford, John de, has the living of Ashton, which he resigns, 112.
- Marchia, William de, is made rector of Manchester and Ashton by usurping the rights of patronage, 68; is made bishop of Bath and Wells and resigns his rectory, 68; is high treasurer of England in Edward the First's reign, 83; plunders the monasteries and religious houses for the support of the royal treasury, 191; his death and interment, 83, 192.
- Mary, Saint, church in the newer town of Manchester dedicated to, 4; Saint Mary's-gate leads to it, 5; endowed by a Saxon thegn, 5; mentioned in Domesday Book, 9; endowed by Albert Greslet, 18.—[*See Fairs.*]
- Matthew, Saint, a chapel, or chantry, dedicated to, 36, and its supposed site, 39-40; is the same as Grelle's Chantry and Aca's Chapel, 39-40, 81.—[*See also Fairs.*]
- Michael, Saint, the oldest Saxon church of Manchester dedicated to, situated at Alport, and its supposed feast of dedication, 3; mentioned in Domesday Book, 9; its state of neglect, 19; discovery of stone relics which are supposed to have belonged to it, 19-20, 25.—[*See Fairs.*]
- Mills of Manchester, Kute's mill or Knott mill, 4, a mill gifted to the abbey of Swineshead, 15, and confirmed to it, 20; mills in the thirteenth century, 67; in the fourteenth century, 93.
- Millgate, Old, its ancient state, 31.
- Millgate, Hugh de, a chaplain of Manchester, 66.
- Millgate, Richard of the, a chaplain of Manchester, 100.
- Morton, Thomas, a procurator, 157.
- Motta, Nicholas, parson of Swyneshed, a co-feoffee with the bishop of Durham, 125-6, 143.
- Nettleworth, Henry, rector of Asbhton, 112.
- Neville, Albert de, rector of Manchester, 26<sup>o</sup>; adjusts a dispute for Robert Greslet, 26<sup>o</sup>, 64; his deed with John de Buran, 27; was not dean rural as well as rector, 28; his litigation with the monks of Kersall, 29-30.
- Ninths, the clergy amenable for, what they were, and an inquest in Salford relative to their assessment, 98-9.
- Ordeshal, named Woden's Cave, 3; etymology of Ordeshal, 11; described by Mr. Barrett, 11; religious object of the cave, 12; its conversion to a Christian oratory attributed to Clunian monks, 10-1; surmises why all historical traces of it are lost, 17<sup>o</sup>; lands of Ordeshal conveyed to David de Hulton, 56; present effaced state of the cave, 17<sup>o</sup>.
- Orma-Raton, now Urmstone, confounded with Ashton-under-Line, but corrected by Dr. Ormerod, 41-2.
- Overton, John, a co-feoffee with the bishop of Durham, 125; his demise, 144.
- Parish of Manchester, its Saxon origin and extent, 3; its state in the twelfth century, 14; its increased population and bounds in the fifteenth century, 135; an augmentation of Divine worship and a more efficient cure of souls provided for by the foundation of the college, 162, 164.
- Parishioners, their consent necessary to Thomas la Warre's appropriation, 149; expressed in a petition to their bishop, 150-2.
- Patronage, rights of, invaded by the pope in his provisions as well as by the king, 43, 66-9, 132; Peter Greslet guards against this invasion, 61; Thomas Greslet defrauded of his rights by William de Marchia, 67, patronage is abused by the king applying the temporalities of benefices to support the clergy who are employed in offices of the state, 63; the national indignation against the pope's invasion of the rights of patronage, and acts framed against papal provisions, 106, 102; Wycliffe declares against them, 103; the gross abuses of patronage by spiritual and lay patrons themselves conjoined with female influence are exposed by Wycliffe, who protests against their simony, extortions of procuracy, misapplication of tithes, grievances of spiritual courts, &c. &c., by which undeserving clerics are preferred to benefices, 103-5; patrons charged with disposing of benefices for the purpose of remunerating by the emoluments thereof such clerics as are employed by them in secular offices, being to the neglect of parishes, 105; the pope relaxes in his interference with patronage, 112; attempt of the pope to revive provisions which is met by a confirmation of the acts against them, 120; statutes against provisors remitted, 132; the abuses of patronage from lay patrons form the most powerful motive for collegiating the parish church of Manchester, 132-3; the abuses are recited in detail before the bishop of Lichfield, by which he is induced to consent to the collegiating, 136-43; the patron's consent necessary to the appropriation of the Manchester church, 149, 164.

- Pestilence of the fourteenth century, and plague stones, why so named, 106.
- Peverell, William, lord of Nottingham, his descent, 9, 16; is gifted with the town and wapentake of Salford, 9.
- Peverell, William, the younger, confirms lands to the Cluniac monks of Lenton, 16<sup>a</sup>; the Lancashire estates of the Peverells are forfeited and given to the earl of Chester, 16, 16<sup>a</sup>, 17.
- Pledge, system of, rendered of universal obligation, 32; forms the basis of the laws of the Manchester charter, 75; enforced for quelling civil distractions, 90, 96, 117.
- Poictu, Roger de, possesses the lands between the Ribble and Mersey, 6-8.
- Portemansmote, or Portmote of Salford, 49; jurisdiction of in Manchester, 71, 74-5; all ranks amenable to it, 72; its functions, 74; its proceedings may be checked by the lord's seneschal, 74; penalties for disobeying its summons, 74; causes submitted to it, as emendations of the assize, the punishment for frays, and enforced the lord's services, &c. &c., 75.—[*See also Laghemote.*]
- Premunire, act of, against suing in a foreign realm or purchasing bulls of the pope, 103, 121.
- Prestwich, Nicholas de, a chaplain of Manchester (?), 122.
- Provisions, papal, 58-9, 61, 67, 100, 102-3, 112, 120, 132.—[*See Patronage, invasion of its rights.*]
- Pryce, David, collated archdeacon of Chester, 167; confirms the charter of foundation, 168-9, 177.
- Rectors of Manchester, see succession of them given in page 190; general complaint against them, 65-4; are encouraged by an act of 1315 to be absent from their charges, 97.—[*For the details of the complaints against them, see Patronage.*]
- Reeve, elected by burgesses, 49, 74.
- Remotive, the term explained as applied to such stipendiary chaplains as were hired to do the work of absent rectors, 138.
- Rodeford, Thomas de, rector of Ashton, 105.
- Rouceby, William, vicar of Sleaford, a cofessee with the bishop of Durham, 144.
- Salford Hundred, explanation of the term hundred and of wapentake, 9-10; why named Salford, 2; comprised within the kingdom of Northumberland, 2; social and ecclesiastical state in the time of the Saxons, 2-3; is possessed by Edward the Confessor, 5; is under De Poictu, 7; possessions of the Peverells, 9-10; they are transferred to the earls of Chester, 16; manors included in it temp. Hen. III, 33; the Grealets possess much land in it, 33; its jurisdiction, 32.
- Salford, town of, under William Peverell, 9; its social state in the time of Ranulph de Blundeville, 44; the charter given to it, 43; its advantages to industrial employments, to equitable jurisdiction, to providing for the exigencies of the state in time of war, &c., to a relaxation of the rigours of villeinage, to the easy acquisition of burgage tenures, &c. &c., 43-51; its chapel on the bridge, 110.
- Sanctuaries in Manchester, their different localities and influence, 82-3; their effect in the turbulent times of Edward the Second, 90.
- School, tradition of a very ancient one in Manchester, 131.
- Souls, danger of, the peculiar views taken by the Lollards regarding the same, which seem to have been those of Thomas la Warre and the various promoters of the college of Manchester, 141.
- Southwick, Adam de, rector of Manchester, 94, 192.
- Stoke, Galfridus de, rector of Manchester, 76, 192; was, perhaps, also dean; a subdean also mentioned, 76-7.
- Strangeways, family of, held land in Deanagate, 95; tradition relative to one of them, 128.
- Sword on which fealty was sworn in Manchester, 30, 186.
- Thegnage, why so named, 7; characterises many Lancashire tenures, 8, 24.
- Tithes, the view taken of them by the Wickliffites as poor men's goods, whence the complaint in the charter of foundation, 140-1.
- Verdon, John de, rector of Manchester, 88, 192.
- Villeins, how they differ from the Saxon servi, 47; the hardships of their state, 62, 71; how they acquire their freedom if they remain in a borough a year and a day, 47, 62; advanced to the less rigorous state of bondage tenants, 61-2; required for the wars and their emancipation encouraged, 68; the Manchester charter favourable to them, 71; they are not regarded as law-worthy, and how justice was made available to them, as by the law of manupast, 75; the villeins of Thomas Grealet's lands and their offspring surrendered to his brother-in-law, John la Warre, 80; villeins are required for the wars and have allotments of land granted them, whence many acquire the name of yeomen, 86-7; they revolt during the lawless times of Edward the Second, 90; villeinage condemned by the followers of Wycliffe, 115-6; its state much ameliorated in 1389 by laws which favoured emancipation, 115; many villeins pass into the state of bondage tenants, 115.
- Warre, La, family of, with their genealogy, 84-5.
- , Roger la, lord of Isfeld and father of John la Warre the ninth baron; his marriage with Clarice, daughter of Baron Tregoz, 84, 185; his exploits in warfare, 84-5; his demise, 88-9; his descendants, 89.
- , John la, ninth baron of Manchester, marries Joanna, sister of Thomas Grealet, by whom he acquires the manor of Manchester, 79; his arms, 80; his descent, 84-5; the knights' fees possessed by him, 85-6; why attached to the abbey of Dore, 185; the manor of Manchester is alienated to the abbey and conjectures why, 86, 186; during the alienation has the title of lord of Manchester given him, 88; recovers by escheat the manor of Manchester, 95-6; loses his son and heir, 99; his naval and military exploits, 99; is present at the battle of Cressy, 101; his demise, possessions, and armorial bearings, 101; is succeeded by his grandson Roger, 101.
- , John, son of John la Warre the ninth baron; predeceases his father, 99; his marriage and issue, 99.
- , Roger la, tenth baron of Manchester; succeeds his grandfather, 101; is a competitor for taking John, king of France, at the battle of Poitiers and is rewarded for his gallantry, 106; his first and second marriage, 106; his law plea at Preston, 107; his campaigns, &c., 109; the favour in which he is held at court, 109, 186; his demise, lands, and issue, 110, 186.
- , John la, eleventh baron, succeeds to his father, 110; his marriage, 111; returns from France to take possession of his Lancashire estates, 111; perhaps favoured the doctrines of Wycliffe, 118; his demise and the estates of which he died possessed, 122; is succeeded by his younger brother Thomas la Warre, clerk, and rector of Manchester, 122.
- , Thomas la, clerk, younger brother of John la Warre the eleventh baron; is by his kinsman, Sir Lewis Clifford, in the absence of his elder brother in the wars, made rector of Amheton, 111; resigns the living to John de Marchford, 112; succeeds to the living of Manches-



- ter, 112; is admitted to the prebend of York, 118; suspected to have favoured in some degree the principles of Wycliffe, 118; appointed parson of the church of Sleaford and canon of Lincoln, 121; succeeds to his brother, John la Warre, in the barony of Manchester, 122.—[*See the succeeding judicial notices.*]
- Warre, Thomas la, clerk, and twelfth lord of Manchester; his various titles clerical and baronial, 122; made prebendary of Southwell, 124; makes a trust deed with a view to displace his true heir in favour of the descendants of his half-sister Joanna, 124, 127; collated to the prebend of North Kelsey, 128; the title of decanus decanatus ascribed to him, 129, 150-1; reasons for supposing that this might not have been the case, 189; his motives for collegiating the parish church of Manchester, 129-34; the description of college meditated by him, 134-6; represents to the bishop of the diocese the ancient abuses of patronage in the parish church of Manchester, in which he is supported by the bishop of Durham and others whom he had appointed for trustees, 137-8; proposes the collegiating of the parish church as a remedy, 138; his motives liable to be impugned owing to his plurality of benefices, 138; supplicates the king for the license of a charter of foundation, 144; endows the college with five messuages, &c., and the advowson of Manchester church, 170-2; presents John Huntynghdon to the office of warden, 172-4; his demise and estates, 179; is succeeded by a West, 197.
- Woden's Cave.—[*See Ordeshall.*]
- Wycliffe, John, state of the times when he appeared, 102; declares against papal provisions and the abuses of patronage, 103-5; induces Edward the Third to brave the censures of the Roman see and to withdraw the tribute to England, 113; is befriended by John of Gaunt, 113, and afterwards by Sir Lewis Clifford, 114; popularizes the principles of church reform, 114; the effects of his mission on the state of villinage, 115; an act passed against unlicensed interpretations of the scriptures, 116; loses the favour of John of Gaunt by his doubts on the subject of the Eucharist, 118; cited for his doctrines which are formally condemned, 119-20; his death, 120.
- Wycliffeites, their views regarding patronage shewn to be the same which induced Thomas la Warre to collegiate the parish church of Manchester, 136-43.
- Wyke, Thomas de, rector of Manchester, supposed to have been previously in the secular employment of John la Warre, 105, 193; was presented by Joan la Warre, 105; obtains a license to study, 106.
- Wyke, Thomas del, presumed son of the above and conjecture on his descent, 105, 109.
- Yeomen, their frequent origin from the state of villinage, 86; why so named and how armed, 86-7; supported by small gifts of land produced by the breaking up of knights' fees, as exemplified near Manchester, 87-8; stigmatized by the Scots as mere husbandmen, 88; after the war in Edward the Second's time become outlaws, 90-1; their garb, 89; their plunders, 89-91; under Edward the Third betake themselves to industrial occupations and to the manufactures introduced by the Flemings, 97; their great care to have their children well educated, 110; they purchase estates and are ambitious for the honour of knighthood, 116; they advance themselves in commerce, grow wealthy, vie with knights, and seek alliance by marriage with the gentry, 116; John of Gaunt denounces them in a proclamation as ravers, 116-7; their exploits on the field of Agincourt, 128; the class of yeomen greatly increases owing to requisitions for the wars, 129, and to serve as domestic retainers, 130; they also receive among them acquisitions of the reduced gentry, 131; in Manchester they greatly increase in numbers and wealth, 131-2.

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